



**AMERICAN BAR ASSOCIATION**  
**AIDS COORDINATING COMMITTEE**  
**1987**



## **ABA AIDS Coordinating Committee Conference**

### **HIV/AIDS Law and Practice: From Local Client to Global Workforce**

Hilton Anatole Hotel

Dallas, Texas

April 9-10, 2008





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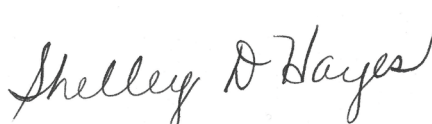


# Welcome!

On behalf of the ABA AIDS Coordinating Committee, our Healthcare Advisory Committee and the conference Planning Committee, welcome to the ABA AIDS Coordinating Committee 2008 Conference, *HIV/AIDS Law and Practice: From Local Client to Global Workforce*. In previous years, we have focused on providing legal tools to advocates for people living with HIV/AIDS to protect the rights of those individuals. We will provide those tools again this year.

But, with 40,000 new cases of HIV in the United States each year and more than four million new cases around the world annually, tools for advocates are not enough to win the fight against AIDS. We need every tool in the box, crossing legal specialties and disciplines to battle this pandemic. So, this year, we are expanding our conference to include a new track focused on businesses and their lawyers to encourage them to add fighting HIV/AIDS to their lists of corporate responsibilities. We have asked physicians, public health professionals, social workers and others to join us in planning what we hope will be an interesting and informative conference.

A very hearty welcome,



Shelley D. Hayes, Chair



**11:00 -12:00**

**Registration**

**12:00 - 2:15**

## **Conference Opening & Welcome**

**Shelley D. Hayes, J.D.**

Chair, ABA AIDS Coordinating Committee

## **Opening Plenaries**

**Moderator: Gloria Sturman, J.D.**

Wilson Elser Moskowitz Edelman & Dicker LLP  
Las Vegas, Nevada

## **HIV in the Workplace: Global Demographics in 2008 and Beyond**

**Allen A. Herman, M.D., Ph.D.**

S&H Consulting, LLC  
Washington, DC

## **What's New?**

### **Federal Initiatives and Proposed Legislation**

**Chris Cagle, Ph.D.**

Associate Director of Policy and Planning  
National Center for HIV/AIDS, Viral Hepatitis,  
STD, and TB Prevention  
Centers for Disease Control and Prevention  
Atlanta, Georgia

**Rep. Barbara Lee**

9<sup>th</sup> Congressional District of California

**2:30 - 3:30**

### **Track A - Stemmons A**

#### **HIV and Social Security: Mock Hearing**

**Hon. Jodi Levine**

U.S. Administrative Law Judge  
Social Security Administration  
Oklahoma City, Oklahoma

**Veronica Jacobs, J.D.**

Director  
Houston Volunteer Lawyers Program  
Houston, Texas

**Jeff Skarda, J.D.**

Houston, Texas

**Jerry Larson, J.D.**

Houston Volunteer Lawyers Program  
Houston, Texas

### **Track A - Chambers**

#### **No Minor Matter: Tackling the Complex Issues Surrounding HIV and the Rights of Youth.**

**Alison Mehlman, J.D.**

Director of Planning and Policy  
Research, The Center for HIV Law  
and Policy  
New York, NY

**Margo Kaplan, J.D., M.P.A.**

Staff Attorney, The Center for HIV  
Law and Policy  
New York, NY

\*CLE credit not offered for this  
session.

### **Track B - Stemmons C**

#### **HIV/AIDS 101**

**Henry Francis, M.D.**

Deputy Director for Operations  
Office of Surveillance &  
Epidemiology  
U.S. Food & Drug Administration  
Washington, DC

3:30 - 3:45

Break

3:45 - 4:45

### Track A - Stemmons A

#### Working Again: Issues Faced by HIV-positive Employees Returning to Work

**Objective:** To provide an overview of legal issues that arise in the workplace as individuals with HIV are living and working longer, often rotating in and out of the job market, including Social Security work incentives, drug tests and other physicals, access to work-based insurance, confidentiality and disclosure in the workplace.

**Moderator:** Dawn-Siler-Nixon, J.D.  
Ford & Harrison, LLP  
Tampa, Florida

**Panelists:** Mitchell Katine, J.D.  
Katine & Nechman, LLP  
Houston, Texas

Justin Hayford  
AIDS Legal Council of Chicago  
Chicago, Illinois

### Track B - Stemmons C

#### Employees with HIV: Are Your Clients Ready?

**Objective:** To provide a general overview of how a business may respond to HIV/AIDS in the workplace, including adopting workplace policies and conducting educational outreach.

**Moderator:** Peter Petesch, J.D.  
Ford & Harrison, LLP  
Washington, DC

**Panelist:** Robert Bailey II  
Project Officer  
CDC Business Responds to AIDS/Labor Responds to AIDS (BRTA/LRTA) Program  
U.S. Centers for Disease Control and Prevention  
Atlanta, Georgia

5:00 -6:00

**Track A - Stemmons A**

**Criminal Law and HIV:  
Current Trends and Enforcement**

**Objective:** To provide an up-to-date review of HIV-issues arising in the criminal justice system.

**Moderator:** Karen Freeman-Wilson, J.D.  
Law Office of Karen Freeman-Wilson  
Gary, Indiana

**Panelists:** John Nechman, J.D.  
Katine & Nechman, LLP  
Houston, Texas  
  
David Webber, J.D.  
Philadelphia, Pennsylvania

**Track B - Stemmons C**

**HIV Prevention and Education at Work: Best Practices**

**Objective:** To highlight some of the prevention efforts of businesses, funding for those efforts and the importance of public-private partnerships as a "best practice."

**Moderator:** Victor Barnes  
Director  
HIV/AIDS Initiative  
The Corporate Council on Africa  
Washington, DC

**Panelist:** Bryant A. Hilton  
Dell Corporate Affairs  
Round Rock, Texas  
  
Paula Church  
Office of the U.S. Global AIDS Coordinator  
Washington, DC

6:30 - 9:30

**Reception**

Wedgwood Room

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**McGuireWoods**

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**Dinner**

**Keynote Address**

The Honorable Mark R. Dybul  
*U.S. Global AIDS Coordinator  
President's Emergency Plan for AIDS Relief*

**8:00 -8:30**

**Registration**  
**Continental Breakfast**

**8:30 - 10:00**

**Special Issues Plenary**

**Moderator: David P. Pusateri, J.D.**  
McGuireWoods  
Pittsburgh, Pennsylvania

**Immigrating, Traveling and Working Abroad with HIV**

**John Nechman, J.D.**  
Katine & Nechman, LLP  
Houston, Texas

**Unique Concerns of Native Americans**

**Warren Jimenez**  
Executive Director  
National Native American AIDS Prevention Center  
Denver, Colorado

**Women and Girls**

**Francis E. Ashe-Goins, R.N., M.P.H.**  
Deputy Director, Office of Women's Health  
U.S. Department of Health and Human Services  
Washington, DC

**HIV in Latino Communities**

**Dennis DeLeon, J.D.**  
President, Latino Commission on AIDS  
New York, New York

**10:00 - 10:15**

**Break**

10:15 - 11:15

**Track A - Stemmons A**

**Alphabet Soup: Accessing HIV Medications through Government Programs**

**Objective:** To assist advocates representing clients with HIV/AIDS in understanding how to negotiate the minefield of regulations governing access to government-sponsored programs.

**Moderator:** **Ann Hilton Fisher, J.D.**  
Executive Director  
AIDS Legal Council of Chicago  
Chicago, Illinois

**Panelists:** **Randall Ellis, J.D.**  
Director of Government Relations  
Legacy Community Health Service  
Houston, Texas

**John Coburn, J.D.**  
Senior Policy Attorney  
Health & Disability Advocates  
Chicago, Illinois

**M. Keith Rawlings, M.D.**  
Medical Director  
Peabody Health Center  
Dallas, Texas

**Track B - Stemmons C**

**Employer Obligations to HIV-positive Employees**

**Objective:** To provide business lawyers with an overview of the basic laws requiring workplace accommodation of disabilities, with emphasis on HIV/AIDS.

**Moderator:** **Mitchell Katine, J.D.**  
Katine & Nechman, LLP  
Houston, Texas

**Panelist:** **Peter Petesch, J.D.**  
Ford & Harrison, LLP  
Washington, DC

**Sharon Rennert, J.D.**  
Equal Employment Opportunity  
Commission  
Washington, DC

11:30 - 12:30

**Track A - Stemmons A**

**Work-based Insurance**

**Objective:** To examine the intricacies of insurance coverage available to employees with HIV/AIDS through their employers.

**Moderator:** Alan K. Koral, J.D.  
Vedder Price, P.C.  
New York, New York

**Panelists:** Ronda Goldfein, J.D.  
Executive Director  
AIDS Law Project of Pennsylvania  
Philadelphia, Pennsylvania

**Debra Wolf, J.D.**  
LegalHealth  
New York, New York

**Track B - Stemmons C**

**Voluntary HIV/AIDS Counseling and Testing at Work:  
Notes from the Field**

**Objective:** To explore the pros and cons of voluntary workplace testing and counseling and offer suggested "best practices" from companies already offering those services at home and abroad.

**Moderator:** Robert Clayton, J.D.  
Littler Mendelson, LLP  
Washington, DC

**Panelist:** Ernesto De La Torre  
Global HIV/AIDS Coordinator  
Chevron, Inc.  
San Ramon, California

**Lane Porter, J.D., M.P.H.**  
International Public Health Law Consultant  
Washington, DC

12:30 - 2:00

**Luncheon Plenary**

**HIV and Human Rights at Home and Abroad**

**Joanne Csete**

Interim Executive Director  
The Firelight Foundation  
Santa Cruz, California

**Jonathan Cohen, J.D.**

Projector Director, Law and Health Initiative  
Open Society Institute  
New York, New York

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**Section of Individual Rights and Responsibilities**

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2:30 - 3:30

**Track A - Stemmons A**

**What's New? Cutting Edge Case Law**

**Objective:** To provide a review of current case law and strategies lawyers have used to pursue cases on behalf of individuals with HIV/AIDS and updates on current and proposed federal legislation and programs.

**Moderator:** **Richard A. Wilson, J.D.**  
Law Office of Richard A. Wilson  
Chicago, Illinois

**Panelists:** **Catherine Hanssens, J.D.**  
Executive Director  
Center for HIV Law & Policy  
New York, New York

**Wendy Parmet, J.D.**  
Professor  
Northeastern University School of Law  
Boston, Massachusetts

**Scott Schoettes, J.D.**  
Staff Attorney, HIV Law Project  
Lambda Legal  
New York, New York

**Track B - Stemmons C**

**Labor/Management Collaborations to Address HIV:  
A Brave New World**

**Objective:** To explore creative ways in which labor and management can work together to find solutions to the growing workplace issues surrounding HIV/AIDS as more employees become infected with the virus.

**Moderator:** **Evelyn Tomaszewski, MSW, ACSW**  
Project Director, HIV/AIDS Spectrum  
National Association of Social Workers  
Washington, DC

**Panelist:** **Winifred Carson-Smith, J.D.**  
Carson Company, LLC  
Washington, DC

**John Bonnage**  
Washington, DC

3:45 - 4:45

**Track A - Stemmons A**

**States Respond to the CDC's Routine HIV Testing Recommendations: An Update for Practitioners**

**Objective:** To provide practitioners with practical information on how states are implementing the CDC guidelines on routine testing and identify some of the legal issues they may face.

**Moderator:** Andre Rawls, J.D., Psy.D

Chief  
HIV/AIDS Section  
Illinois Department of Health  
and  
Past Chair  
National Association of State  
and Territorial AIDS Directors  
Chicago, Illinois

**Panelists:** Scott Schoettes, J.D.

Staff Attorney, HIV Project  
Lambda Legal  
New York, New York

**Marsha Martin, DSW**

Director  
Get Screened Oakland  
Oakland, California

**Track B - Stemmons C**

**Paying for HIV Care and Treatment: Everything an Employer Needs to Know**

**Objective:** To educate employers on the range of issues employees face in securing HIV care and treatment, including employer-sponsored health insurance, Medicaid funds and AIDS Drug Assistance Program (ADAP) funds.

**Moderator:** Alan Koral, J.D.

Vedder Price, P.C.  
New York, New York

**Panelists:** RADM Deborah Parham-Hopson, M.D., USPHS

Associate Administrator  
HIV/AIDS Bureau  
Health Resources and Services  
Administration  
U.S. Department of Health and Human  
Services  
Rockville, Maryland

**Ann Hilton Fisher**

Executive Director  
AIDS Legal Council of Chicago  
Chicago, Illinois

5:00 - 6:00

**Track A - Stemmons A**

**The HIV Housing Crisis: How Can Lawyers Respond?**

**Objective:** To explore the growing need for adequate housing by individuals with HIV/AIDS and address possible legal solutions to the crisis.

**Moderator:** Michelle Wetzel, J.D.  
Legal Assistance Foundation of Chicago,  
HIV Project  
Chicago, Illinois

**Panelist:** Gary Grier, J.D.  
Director of Program & Services  
AIDS Foundation Houston  
Houston, Texas

**Track B - Stemmons C**

**Fighting HIV/AIDS: What is a Corporation's Responsibility?**

**Objective:** To showcase some of the philanthropic and community activities corporations are engaged in to combat HIV/AIDS.

**Moderator:** Richard A. Gilbert, J.D.  
Orrick, Herrington & Sutcliffe, LLP  
San Francisco, CA

**Panelists:** David Greeley, M.A.  
Senior Advisor, HIV/AIDS  
Merck & Co, Inc.  
Whitehouse Station, New Jersey

**Bob Bronzo**  
Program Manager  
Fundors Concerned About AIDS  
New York, New York

6:15 – 7:30

Closing Reception

**A Toast to Lawyers in the Fight Against HIV/AIDS**

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**National Lesbian and Gay Law Association**

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# Event Highlight

## Conference Dinner

**April 9, 2008**

**6:30 - 9:30 p.m.**

## Keynote Address

by

**The Honorable Mark R. Dybul**

U.S. Global AIDS Coordinator

President's Emergency Plan for AIDS Relief



Ambassador Mark R. Dybul serves as the United States Global AIDS Coordinator, leading the implementation of President Bush's Emergency Plan for AIDS Relief. From March to August 2006, he served as Acting U.S. Global AIDS Coordinator, and prior to that he held the positions of Deputy U.S. Global AIDS Coordinator and Assistant U.S. Global AIDS Coordinator.

Before coming to the Coordinator's Office, Ambassador Dybul served on the Planning Task Force for the Emergency Plan, and was the lead for the Department of Health and Human Services (HHS) for President Bush's International Prevention of Mother and Child HIV Initiative.

At HHS, he also served as the Assistant Director for Medical Affairs, National Institute of Allergy and Infectious Diseases (NIAID), National Institutes of Health (NIH), as well as Co-Executive Secretary of the HHS HIV therapy guidelines for adults and adolescents. He continues to be a Staff Clinician in the Laboratory of Immunoregulation at NIAID/NIH and maintains an active role as the principal investigator for clinical and basic research for U.S. and international protocols with an emphasis on HIV therapy, particularly those that may be applicable in resource-poor settings, including intermittent therapy and HIV reservoirs and immunopathogenesis. Ambassador Dybul is a captain in the U.S. Public Health Service Commissioned Corps, the uniformed service of HHS. He is also a former member of the World Health Organization's Writing Committee to develop global HIV therapy guidelines.

Ambassador Dybul received his A.B. (1985) and M.D. (1992) from Georgetown University before completing his residency in internal medicine at the University of Chicago Hospitals (1995) and a fellowship in infectious diseases at the National Institute of Allergy and Infectious Diseases (1998).

# Planning Committee

Thank you to our 2008 Planning Committee for working so hard to make the conference possible.

**Shelley D. Hayes, Chair**  
S&H Consulting, LLC  
Washington, DC

**Joshua Bachrach**  
Rawle & Henderson  
Philadelphia, PA

**Victor Barnes**  
The Corporate Council on Africa  
Washington, DC

**Robert L. Clayton**  
Littler Mendelson, PC  
Washington, DC

**Kandy Ferree**  
National AIDS Fund  
Washington, DC

**Ann H. Fisher**  
AIDS Legal Council of Chicago  
Chicago, IL

**David R. Holtgrave**  
Johns Hopkins University  
Bloomberg School of Public Health  
Baltimore, MD

**Mitchell Katine**  
Katine & Nechman, LLP  
Houston, TX

**Helaine J. Knickerbocker**  
ABA Family Law Section  
Brooklyn, NY

**Myles V. Lynk**  
Arizona State University College of Law  
Tempe, AZ

**Jesse Milan Jr.**  
Constella Group  
Washington, DC

**Peter J. Petesch**  
Ford & Harrison, LLP  
Washington, DC

**William Lane Porter**  
ABA Section of International Law  
Washington, DC

**Gloria J. Sturman**  
Wilson Elser Moskowitz Edelman & Dicker, LLP  
Las Vegas, NV

**Evelyn Tomaszewski**  
National Association of Social Workers  
Washington, DC

**Richard A. Wilson**  
Law Offices of Richard A. Wilson  
Chicago, IL

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Immediate Past Chair

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Liaison from National Bar Association

**Ann Hilton Fisher**  
Liaison from Commission on Homelessness and  
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**Mark E. Wojcik**  
Liaison from Criminal Justice Section

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Past President, American Public Health Association and  
Associate Professor, Indiana University School of Medicine

**David R. Holtgrave, Ph.D.**

Chair, Department of Health, Behavior and Society  
Bloomberg School of Public Health  
Johns Hopkins University

**Jeffrey T. Schouten, M.D., J.D.**

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