

# Fighting for the Rights of People Living with HIV

August 2009

Today, more than one million people nationwide are living with HIV, and tens of thousands of new infections occur each year. People living with HIV continue to face widespread discrimination in employment, health care, housing, parenting, immigration, criminal justice and many other areas of life. Lambda Legal uses impact litigation, advocacy and education to combat bias and stereotypes and to ensure that people living with HIV are treated fairly.

## IMPACT LITIGATION

Lambda Legal's lawsuits are "impact cases," which means that each case is designed to use the law to benefit large numbers of people and bring about meaningful social change.

Lambda Legal won the first HIV-discrimination lawsuit in the nation in 1983, and since then we have helped maintain and expand protections across the country for people living with HIV. Our early work also included forcing hospitals to treat people with HIV and convincing drug companies to lower the price of medications. We are committed to helping people affected by HIV who face discrimination and other hardships, and our work will continue as long as it is needed.

### Safeguarding Workers from Bias

Lambda Legal represented Lorenzo Taylor, who was denied a job as a Foreign Service Officer by the U.S. Department of State because it had a policy excluding all applicants with HIV. In 2008, after years of litigation, the State Department ended the ban on people with HIV just before our case was scheduled to go to trial.

In February 2005, a Subway franchise owner fired a restaurant manager after she learned he had HIV. Lambda Legal represented the manager, and highlighted the fact that there is no risk of HIV transmission through food handling. We obtained a favorable

settlement against the franchisee, including monetary damages, policy changes and training for supervisors.

### Keeping Families Together

In 2005, Lambda Legal helped a Mississippi mother of three who had been granted custody of her children on the condition that they have no contact with their aunt, who has HIV. Lambda Legal provided the court with medically accurate information showing that the aunt's HIV status posed no threat to the children, and within days the custody restriction was removed.

### Challenging Discrimination in Health Care

In 2004, we filed suit on behalf of a man who was suffering from severe and debilitating back pain, but was denied surgery because he had HIV. We successfully resolved the case.

## ADVOCACY

Lambda Legal helps create fair laws and policies by presenting critical information to decision-makers and by bringing together individuals and groups to speak out for equal rights.

### Saving Lives with Sound Science

Overwhelming medical research shows that organ transplants are just as successful in people with HIV as they are in any other population. Relying on this research, Lambda Legal persuaded Arizona

and Pennsylvania Medicaid programs and Kaiser Permanente, one of the nation's largest HMOs, to overturn decisions and misguided policies that prevented people with HIV from receiving organ transplants. We also successfully advocated for the Department of Veterans Affairs to institute a national policy to evaluate on a case-by-case basis veterans who have HIV and need organ transplants — potentially saving hundreds of lives in the coming years.

### **Protecting Individuals by Promoting Good Policy**

The Centers for Disease Control and Prevention (CDC) has recommended that the nation's health care providers offer HIV testing to all individuals from the ages of 13 to 64 — but this recommendation downplays the importance of educating individuals about HIV transmission and fails to ensure that people give informed consent before being tested. Responding to the CDC's recommendations, Lambda Legal worked with HIV legal, medical and service providers to publish a set of guiding principles highlighting the fundamentals of effective HIV testing.

## **EDUCATION AND SUPPORT**

Lambda Legal informs and engages people so they can stand up for their own rights and the rights of others affected by discrimination.

### **Bringing Knowledge and Strategies to Communities**

Lambda Legal's community educators, attorneys and other staff regularly provide trainings, organize events and speak across the country to inform people about Lambda Legal's work fighting for fairness and equal rights, to help people understand the law and their rights, and to provide tools and strategies for action.

### **Offering Publications and Educational Resources**

Lambda Legal publishes toolkits, fact sheets, and brochures and compiles even more information about our cases and LGBT and HIV civil rights on our website.

### **Providing One-on-One Assistance**

Our Legal Help Desk staff members respond directly to people in our communities seeking legal information and assistance with discrimination related to sexual orientation, gender identity and expression, and HIV status. Help Desk staff provide information and help people find resources. Some of the calls to the Help Desk become Lambda Legal court cases.

To reach our Legal Help Desk or to get information about any of Lambda Legal's publications, educational programs or other resources, contact us at one of the numbers below or go to our website at [www.lambdalegal.org](http://www.lambdalegal.org).

**National Headquarters, New York**  
212-809-8585

**Midwest Regional Office, Chicago**  
312-663-4413

**South Central Regional Office, Dallas**  
214-219-8585

**Southern Regional Office, Atlanta**  
404-897-1880

**Western Regional office, Los Angeles**  
213-382-7600

**National Toll-Free**  
866-542-8336