

Alex Berg ([00:02](#)):

Hi, and welcome to Making The Case with Lambda Legal, a podcast from Lambda Legal highlighting impactful cases and policy work. I'm Alex Berg, a journal and host, and I cover all things LGBTQ+, and the issues that impact us.

Alex Berg ([00:16](#)):

On today's episode, we're going to discuss the Pierce v. Ackal Case. This case follows lifelong public servant Liam Pierce, who in 2012, applied for and was informed he gotten a job as a sheriff's deputy with the Iberia Parish Sheriff's Department. However, after disclosing his HIV status, the job offer was rescinded. This case shows the ongoing efforts by Lambda legal to advance education on critical subjects like HIV and to erase the harmful stigma and ignorance that persists to this day, let's get into it. Welcome Shelly.

Shelly Skeen ([00:48](#)):

Well, good morning. How are you?

Alex Berg ([00:50](#)):

I am doing well and excited to talk to you about this case. So on that note, can you briefly tell us what this case was about?

Shelly Skeen ([00:57](#)):

Yeah, sure. So Lambda Legal decided to represent a police officer, his name was William Liam Pierce, and he applied for a job with the Iberia Parish Police Department as a police officer and as a patrolman. And he is a person that's living with HIV, but is undetectable. And when he applied he passed all of the tests, the physical exam, the psychological exam, and all of the other tests that they put you through and the police department offered him a job. He disclosed his HIV status, and once he disclosed his HIV status within a matter of about three days, the police department said, no, thanks. We don't want you. And that is a clear violation of the Americans with Disabilities Act. And so what we did is we filed suit on his behalf.

Alex Berg ([01:58](#)):

So this feels like a pretty clear and obvious case of discrimination. A guy gets a job, the job finds out that he's living with HIV, and then they rescind the job offer. Was there any other way to look at it, or to put it differently, in this case why did the sheriff's office feel like they could do what they did?

Shelly Skeen ([02:15](#)):

I think it's really just a lack of information about where we are with respect to people who are living with HIV. Now, I think most people don't recognize that if you are undetectable, meaning you have an undetectable viral load, that it's un-transmittable. There's still a lot of misperceptions about being able to, for example, get spit on and get HIV or get it off of a toilet seat, and that's so far from the reality.

Alex Berg ([02:48](#)):

Yeah. I have to say as a journalist who covers LGBTQ+ issues, sometimes when I talk to people who have not kept up on stories about individuals who are living with HIV, I'm really always shocked but not surprised by some of the really upsetting attitudes that they have and misinformation that's out there.

Backing up a little bit more. Can you lay it down more clearly, what exactly does it mean to be living with HIV and undetectable?

Shelly Skeen ([03:14](#)):

So if you are a person that's living with HIV and you are undetectable, meaning that you are on medication that keeps your HIV at bay, then you cannot transmit it. And so how do we know that? We know that because we have more than one study, one that's been published in the American Journal of Medicine and then another one that have looked at long term couples who over a period of years where one partner is HIV positive but has an undetectable viral load and the other does not, and there's been no transmission between the HIV positive partner and the one who is not. So, that's one of the things that really shows that it's not transmittable. And then if you add on top of that condoms, or you add on top prep, which you don't really need if you're un-transmittable for the reasons I just said, you can't transmit it.

Shelly Skeen ([04:15](#)):

I think there's also a lot of stigma, right? I think our case was filed in deep Louisiana in the south, and it's a police department so you have a very macho kind of environment, at least and I don't mean to be oversimplifying that, but it was true in this case. And so we have a police officer that's HIV positive and I think that part of it was the other police officers thinking, well, this guy is not straight, he's gay and we don't want a gay guy on our force.

Alex Berg ([04:49](#)):

There's so many layers to it. With that, was there a specific strategic approach to this case?

Shelly Skeen ([04:55](#)):

Not really. I mean, this is so clear if you are HIV positive that doesn't hinder your ability to safely perform a job, any job. But in this instance, police officers, firefighters, nurses on ambulances who are HIV positive, if they are undetectable and they're being treated for their condition, which by the way, these days means that you are expected to live long, happy, healthy life and the life expectancy is almost, maybe just a few months shy of what it would be for someone who doesn't have HIV. And so having HIV doesn't prohibit you from being in a job where there's a high risk of perhaps in this situation being shot or being in the military, same thing.

Alex Berg ([05:50](#)):

Yeah. There is still so much that is misunderstood and of course you mentioned the stigma. A part of the settlement in the Pierce case, along with money to Liam was requiring education around HIV and HIV related discrimination. Was that something Lambda specifically fought for?

Shelly Skeen ([06:04](#)):

We did. And we fought for it not just with respect to management in their hiring practices and teaching them about what it means to comply with the Americans with Disabilities Act, which if you are HIV positive you fall within the ambit of the Americans with Disabilities Act, but it was also training all of the other officers and staff. And then once a year, there is a comprehensive training and in that comprehensive training, you're looking at specific issues that deal with not just HIV status but with race and with respect to other disabilities and with respect to gender. So we pulled all that into our settlement to make it such that it was specifically written down and required that each year everyone

on staff gets that kind of, I'm going to call it, race, equity and disability and HIV training to help better the overall department as a whole in how each officer treats each other and how the hiring practices are more in line with what the law is now and what the sciences is with respect to HIV.

Alex Berg ([07:25](#)):

Now, how has this case been used in subsequent cases involving plaintiffs who are living with HIV?

Shelly Skeen ([07:30](#)):

So this case has really set a great precedent and part of our having a press release where the Sheriff of Iberia Parish actually acknowledged that they were wrong in failing to hire our client is a message to other police departments and other firefighter departments. And so we have another case where we have an anonymous plaintiff who's officer of the year, who applied for a job in another city where his family had to move and he also HIV positive, a straight black man. Once they found out that he was HIV positive, undetectable, so again, un-transmittable can't say that enough, he was not given the job. And so we filed an EEOC complaint on his behalf. And the EEOC found that what the police department did in that instance was again, wrong and issued what's called a reasonable cause determination so that he could go forward further.

Shelly Skeen ([08:34](#)):

So that's part of Lambda's work, right? While we work for full and lived equality for LGBTQ people, we also work for people who are living with HIV. And that does not mean that those people that we work for are not straight, for example. When we do our cases, we want to make sure that we have a race equity lens to the extent that we can find plaintiffs that are black and brown, that don't look like our white cisgender male folks that is what you tend to see.

Alex Berg ([09:06](#)):

Why was the Pierce case the right case for Lambda Legal specifically to take on?

Shelly Skeen ([09:10](#)):

I think it was the right case because we had a fantastic plaintiff, Liam Pierce is, A, beautiful human being but he is also a public educator on HIV related issues AND more than well qualified for the job that he was not hired for. And I can tell you, he is now in another police department and he's been there for a long time and is doing really, really well in his work and that's all still in Louisiana. He was a great example and also very willing to be out about his status of a person who is living with HIV and who is in great health and is doing what he needs to do to take care of himself, but also willing to let other people see and know who he is so that he can move the ball forward and let's get rid of the misinformation and get rid of the stigma.

Alex Berg ([10:06](#)):

Yeah, it really sounds like the subsequent education piece and representation pieces are just so crucial around this issue in particular, what did you learn from this case that you've brought to others?

Shelly Skeen ([10:17](#)):

I think what I learned the most was really you have to persevere, you're going to get pushback at the beginning. And then this case, we went through three different mediations and it was ultimately at the

third mediation, we were able to get a settlement. And when we did worked on our settlement, we did specifically include the pieces about the education, the sheriff recognizing and stating on the record that there was a mistake that was made and that people who are living with HIV can perform the job of a police officer without an accommodation.

Alex Berg ([10:55](#)):

I'm curious, you mentioned pushback. What was the pushback?

Shelly Skeen ([10:58](#)):

I think you always see that in any lawsuit, right? You're going to file a suit and they're going to claim that everything that you are claiming is not correct. But I think in this instance, part of what happened was we were able to educate opposing counsel. We were able to educate the judge. We were able to educate the parish, the sheriff's office itself. And so they began to recognize, hey, we're losing out on good and qualified potential police officers. And so I think part of it was that progression over time.

Alex Berg ([11:36](#)):

How did Pierce lay the groundwork for other successes?

Shelly Skeen ([11:40](#)):

I think it laid the groundwork for other successes because it's a case that we can point to when we have similar situations like I just discussed with the other police officer. And this comes up all the time, not just in places like Louisiana, it comes up all the time whether it's in any other state. It's come up in the military context, so stay tuned for more on that. It comes up in firefighter departments as well. So I think it's really important for people to understand that whatever kind of job you have, if you are HIV positive and you are taking care of yourself, there's no reason that you cannot perform the duties that are required of you without an accommodation.

Alex Berg ([12:27](#)):

It feels like that is the bottom line in all of this. Is there anything else you want to add that we didn't discuss?

Shelly Skeen ([12:34](#)):

I think here's what we're seeing. We're still seeing across legislatures in other states and really still nationwide, especially during this last legislative session, attempts to criminalize HIV status and not disclosing your HIV status. And that is a result of the stigma that surrounds HIV and the lack of knowledge about the science that shows that if you are undetectable, you're un-transmittable, number one. And just because you have HIV, again, it doesn't prohibit you from performing a job, but it certainly shouldn't make you a criminal. And so I think really getting out the information about the science that is at play now and what we know about HIV, that it doesn't hinder your ability to be a full, lived human being, doing all those things that you want to do. I think that's really the key that we need to get across as we continue to work on these cases. And Lambda has some cases in the work, that's exactly what we're doing.

Alex Berg ([13:45](#)):

Thank you so much for joining me, Shelly.

Shelly Skeen ([13:47](#)):

You're welcome. And thank you, grateful to be here.

Alex Berg ([13:51](#)):

Thank you for listening to this week's episode of Making The Case with Lambda Legal. Making The Case is hosted by me, Alex Berg, and written and produced by Erika Kramer for Lambda Legal. Our show is recorded and mixed by Erik Monical from Mouth Media Network. Original music was made for making the case by Meghan Rose.

Alex Berg ([14:10](#)):

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