

POINTS OF VIEW

Today, we can no longer afford to ignore AIDS

Today, in this newspaper you will find a special section on AIDS in our suburbs.

Some may ask why. "It's hard to educate affluent communities," says Ellen Dorshow-Gordon, epidemiologist for Oakland County. "But there's no place that's immune from AIDS."

In fact, it's the 12th leading cause of death in Oakland County on a list of 75. And the rates of infection among women and teens are growing. "We need to increase awareness that AIDS can be transmitted heterosexually and can be found in all populations," Dorshow-Gordon says.

County statistics show 728 reported AIDS cases between 1980 and 1996 and 320 HIV cases diagnosed in the last four years. Says Dorshow-Gordon, "We are just seeing the tip of the iceberg."

More than two years ago, Pulitzer Prize-winning columnist Anna

Quindlen predicted that the AIDS iceberg cometh.

Soon, everyone will have someone they care about who has AIDS, she wrote in a New York Times column after a fellow journalist died of AIDS.

Within days, her words came true for me.

The cousin I had been closest to all my life called from the AIDS unit of a Chicago hospital. I was the third person he told — one of two that December night — although he had learned and lived with the HIV virus since an attempt to donate blood in the early 1980s.

Allen had someone to take care of him, his companion with whom he had been monogamous for a decade. But he chose to take his own life before AIDS could.

In the two years since he died, advances have been made in inhibiting the HIV/AIDS virus. So even people in



JUDITH DONER BERNE

whom the HIV virus has become AIDS are living longer, fuller lives.

But as the disease progresses, if they do not have a family or friend who is there for them, they may not have the basic necessities to live.

That's where Wellness House of Michigan is making a contribution. It provides housing for homeless individuals and food for needy families and individuals living with the HIV/AIDS virus.

As the virus spreads to women and sometimes infects their unborn babies, and non-traditional families as they struggle through the disease process.

Saturday's Red Ribbon Ball at the Somerset Collection in Troy seeks to raise funds for Wellness House of Michigan to create such a home in our suburbs.

The money is easier to come by than the house itself.

More than a year ago, the city of Royal Oak voted to turn the former St. Mary convent into a home for families with AIDS after residents spoke vehemently against it.

"It was an ugly evening," recalls Wellness House Executive Director Rob Fetzter.

It's fair to say that the stigma and fear of AIDS are the reasons. Knowledge can ease that stigma and fear. HIV cannot be transmitted through casual contact. It is spread by unpro-

ected sex with an infected person, needle-sharing among injecting drug users or, much less commonly, through transfusions of infected blood or blood clotting factors, according to the Centers for Disease Control.

Wellness House of Michigan delivers food and other items of necessity to more than 30 homes in our suburbs. Most of the recipients are mothers and their children, some of whom received the virus in utero, during birth or through breast-feeding.

Today, in this newspaper you'll find a special section on AIDS in our suburbs. I hope, after reading it, you'll no longer ask why.

Judith Doner Berne, a West Bloomfield resident, is former managing editor of The Eccentric Newspapers. You can comment on this column at (313) 953-2047, Ext. 1897, or by writing or faxing (810) 644-1314 a letter to the editor of this newspaper.

It's shark-hunting season in state appeals court

Trial lawyers took two on the chin April 12 in the Michigan Court of Appeals. Many would call the trial lawyers — those who sue perceived deep pockets for lottery-sized awards — "sharks." That opinion is harsh, in my view, but this story will gladden the hearts of shark-haters.

Robert Heinz had a slip-and-fall injury in 1988 as he was leaving his employers' building in Troy. Under workers' compensation, he collected \$20,000 for medical expenses and \$38,000 for lost wages. He also accepted \$80,000 to redeem future worker's comp claims.

Heinz then sued Chicago Road Investment Co., owner of the building in Troy, for negligence in Oakland Circuit Court. A jury awarded him \$198,000 — minus 50 percent for his comparative negligence; also minus his workers' comp benefits. Judge Hilda Gage said he could take home \$70,000.

Attorney Matthew Turner of South-

field appealed on behalf of Heinz for the full award. Attorney John Jacobs of Lathrup Village appealed on behalf of Chicago Road Investment Co., saying the award should have been reduced by an additional \$80,000.

Heinz lost his appeal, and the building owner won its appeal. Heinz is to get \$9,800 for medical expenses and wages uncovered by workers' comp.

The appellate panel included Roman S. Gribbs, whom many remember as a Wayne County sheriff and mayor of Detroit in the 1980s; John J. McDonald, an Oakland Circuit judge sitting on the appeals panel by assignment; and Janet Neff, an appellate judge. They ruled:

■ Under common law, an injured person could recover twice — from worker's comp and the wrongdoer. But a 1986 state law — part of Michigan's effort at "tort reform" — blocked collect-



TIM RICHARD

■ The point is that advocates of "tort reform" won two big arguments in one case, and the trial lawyers lost.

ing from a "collateral source." In other words, the plaintiff can't collect from two sources for the same injury.

"The reduction of the award . . . merely recognized that plaintiffs were already compensated, in part, for these damages," said the appeals panel.

Attorney Turner argued the statute was vague and ambiguous; that Heinz had a property right in the redemption award that was being unconstitutional. He argued that the statute created an unjustifiable class distinction — and so on. On a 3-0 vote, the appeals judges found his arguments "lacking in persuasion."

The appeals court agreed with the building owners and said Judge Gage should have deducted the \$80,000 redemption award from the jury verdict. The case gets awfully complicated here because the jury distinguished between lost wages (\$128,000), medical expenses (\$20,000), general damages (\$40,000) and loss of consortium

(\$10,000) whereas the redemption award contained no breakdown.

The appeals court ruled 2-1 that Gage should deduct the \$80,000 redemption because: "This result is consistent with the statutory language and better serves the statutory purpose of preventing double recovery . . . As a result of the error by the trial court (Gage), the plaintiffs have been paid twice for one set of injuries."

Turner said "absolutely" he'll ask for re-hearing and, if necessary, go to the Supreme Court. His arguments are technical, and this newsmen will decline to comment.

The point is that advocates of "tort reform" won two big arguments in one case, and the trial lawyers lost. That should improve "Michigan's business climate," cut the cost of doing business and reduce liability insurance premiums. We shall see.

Tim Richard reports on the local implications of state and regional events.

'Down-sized' workers need brand new choice, chance

Item: Looking forward to this summer's contract negotiations with the auto industry, the UAW is in the process of putting together its demands. In light of widespread anxiety about downsizing now under way at the Big Three, its key demands will revolve around job security.

Item: Pat Buchanan didn't run better in the March 19 Michigan Republican presidential primary than anyone expected merely because he talked about our late spring. He talked about high wage American jobs being exported abroad. And lots of people listened.

Item: A scholarly article in last week's New Yorker magazine by John Cassidy concluded: "For the past three decades, the intensification of global capitalism has been undermining the living standards and the prospects of the unskilled. That process is continuing, and although the rigors of competition are now striking some of those who were previously protected, the costs of economic progress are still being borne primarily by the poor and ill-educated."

Now, some economic history. The unemployment compensation system that is our main safety net against job loss was developed in the 1930s. The economic assumptions underlying the system are illuminating, if only because they are so out of touch with the reality of today's economy.

The idea was that business cycles would sweep periodically through the economy. When the cycle turned down, businesses would lay off workers to save costs due to falling demand. When the cycle turned up, laid-off workers would be re-hired by the same firm.

Workers would, in effect, bob up and down, going in and out of work with the waves of the business cycle. To protect family incomes (and to maintain aggregate demand to avoid a depression), the unemployment insurance system was developed. When people lost their jobs, they could file for unemployment compensation; UI checks would help sustain their families until they got their old jobs back.

Nobody who has been laid off recently, however, has much hope of getting back his or her old job. Unemployment compensation checks, while vital in keeping a family alive as workers look for new jobs, do nothing to provide unemployed folks with the new skills they need in order to get a good new job.

Plainly, the old UI system needs a refit. For that reason, some of us proposed a couple of years ago converting part of the unemployment compensation system into the re-employment training system, through which workers



PHILIP POWER

who are laid off would receive vouchers entitling them to training to qualify for new jobs. They wouldn't lose their entire UI check, of course, but some resources allocated entirely into family sustenance would be diverted into retraining.

The point here is that economic statistics show that while most workers who are laid off eventually find work, their new jobs often pay far less than the old ones. Skills training is the big factor in helping people find new jobs which are also good new jobs.

Vouchers would be spent by workers themselves, not some distant bureaucrat. Because there would be a limit to the amount of training vouchers people could earn, there would be an incentive for people to spend the voucher wisely, not on some fly-by-night truck driving or cosmetology school.

It doesn't take much imagination to see that such a system could evolve into something like Social Security, in which individual workers get numbered individual training accounts, into which both employer and employee pay a portion of gross wages. These accounts would be tax-protected while building up and could be drawn on either when workers are laid off or want a career change.

Now the punch lines: Elections are coming, folks. The notion of a re-employment training system offers and interesting third way, neither left nor right.

How about it, candidates?

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