



## Panel Attorney Spotlight

### Mark Chernev

Mounting medical bills and credit card debt can feel crushing for ALRP clients, many of whom experience difficulty managing the stress of their chronic medical condition and can be overwhelmed by a spiral of ever-expanding debt. As founder of The Chernev Firm, Panel attorney Mark Chernev sees bankruptcy as a helpful option for clients who have fallen on tough times. “My work is very rewarding,” Mark says. “It’s my goal to help clients gain financial control over their lives and give them a fresh start.”

Mark learned of ALRP when his good friend Ted Garey, an ALRP Staff Attorney, introduced him to the organization and inspired him to get involved. He joined the Panel in December 2009 and has already taken over twenty bankruptcy referrals. Mark exhibits an acute awareness of the economic situation of many ALRP clients: the struggle to maintain one’s

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## A New Home for Hector

ALRP Staff Attorney secures affordable housing for client

A new home would cement a long-awaited new beginning for ALRP client Hector Rivas. Hector had overcome many hardships in the previous two years. He had been living at a residential facility and had completed its voluntary substance abuse treatment and counseling program. However, Hector’s progress came to a halt when his application to live in an affordable housing development was denied.

Searching for housing in the San Francisco Bay Area is undeniably stressful. But for a person living with HIV/AIDS, the inability to secure safe, affordable housing can lead to homelessness or exile from San Francisco – away from critical medical care, service providers, and supportive community. Many ALRP clients face extremely limited incomes, complex daily drug regimens, and compromised immune systems, making the search for housing especially challenging. To make matters worse, affordable housing is so scarce that it is incredibly difficult to secure.

When Hector’s application to the affordable housing development was denied in January 2010, he turned to ALRP for assistance. Staff Attorney Ted Garey helped Hector draft his appeal, but it was also denied. Instead of giving up, Ted contacted the property management to discover why Hector’s application had been rejected. The management responded that their decision was based on a previous eviction

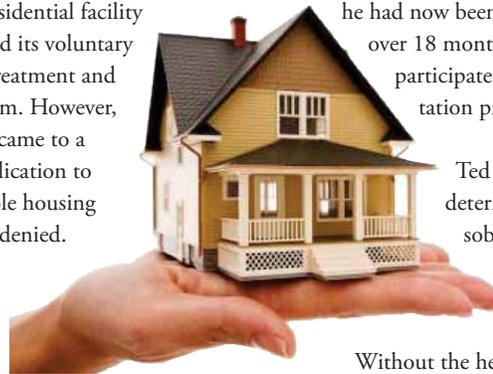
and on Hector’s history of substance abuse. However, Ted quickly pointed out that the previous eviction was directly related to Hector’s prior substance abuse, and that he had now been clean and sober for over 18 months and continued to participate in voluntary rehabilitation programs.

Ted recognized Hector’s determination to remain sober and knew that a relapse was a real possibility without stable housing.

Without the help of an attorney who understood his circumstances and truly believed in him, Hector would have probably given up.

With Ted’s continued support, Hector requested a reasonable accommodation to submit his application despite the previous eviction, and was granted a new hearing for his application. In this third attempt to secure permanent affordable housing, Ted presented letters from case workers

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## ALRP Mission

To help people with HIV/AIDS maintain or improve their health by resolving their legal issues.



# From the Heart

ALRP Executive Director Bill Hirsh

## Board of Directors

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## Being There for Our Clients

With the recent national election results, San Francisco stands to lose more than 20% of its federal funding for HIV/AIDS services at a time when our clients are being hit hard from every direction. With California facing a \$25 billion deficit and San Francisco facing yet another year of a \$400+ million deficit, it is hard to anticipate how our community will find a way to take care of those among us who are most vulnerable and most in need of help.

Just a few short months ago, President Obama presented the first ever National AIDS Strategy, which calls for more HIV testing and more services for people living with HIV/AIDS. Clearly, after 30 years of fighting this virus, we know what we need to do and how to do it. But where are the resources to implement Obama's new policy plan?

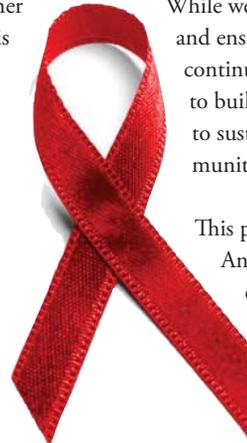
One bright spot among all the gloomy news is the recent health care reform legislation, which has the potential to significantly increase access to health care for people living with HIV/AIDS. Because there are many decisions yet to be made around

the implementation of the law at both the national and state levels, it is critical that we be vigilant in our efforts to ensure that the promise to provide access to care for those with HIV/AIDS is fulfilled.

While we are busy fighting funding cuts and ensuring access to care, we must continue to be proactive in our efforts to build the revenue streams necessary to sustain ALRP's services to the community.

This past year, ALRP launched the Angels Legacy Society to acknowledge donors who have designated ALRP in their estate plans. In 2011, we will develop and implement the ALRP *Be An Angel* Legacy Campaign, which will provide an opportunity for donors to make a lasting difference in ALRP's ability to address the legal needs of people living with HIV/AIDS well into the future.

We have a responsibility to continue to be there for our clients, and with the vision and commitment of people like you, we will be.



## ALRP Staff

Eric Bull  
Office Manager

Maisha S. Cole, Esq.  
Outreach Attorney

Ted Garey, Esq.  
Staff Attorney

Bill Hirsh, Esq.  
Executive Director

Sara Malan, Esq.  
Housing Attorney

Jim McBride  
Development Director

Ayako Miyashita, Esq.  
Staff Attorney

Ana Montano, Esq.  
Immigration Attorney

Amy Orgain, Esq.  
Insurance Attorney

Jaime Rush, Esq.  
Housing Attorney

Jennifer Schuster  
Volunteer Coordinator

# ALRP's Recent Events

## 2010 AIDS WALK



The fabulous ALRP Legal Eagles AIDS Walk Team!

On July 18, the ALRP Legal Eagles AIDS Walk team set **new team and fundraising records** when **30 team members** raised **\$12,240** to support ALRP! Special thanks to our StarWalkers: **Ted Garey, Diana Hughes, Sara Malan, Ayako Miyashita, Vince Novak, Jaime Rush, and Marti Simon** who raised over \$1,000 each.

## DORE ALLEY & FOLSOM STREET FAIR

On July 26 and September 22, over 70 ALRP volunteers got their hands dirty at *Dore Alley* and *Folsom Street Fair*. ALRP received \$6,500 for our help.

## REAF GALA



ALRP Staffers Jim McBride, Jennifer Schuster, and friends at REAF.

ALRP was a major beneficiary of the **Richmond/Ermet AIDS Foundation (REAF) *Help is on the Way XVI: That's Entertainment* Gala** on August 15 at the Herbst Theatre. Broadway legend Carol Channing and other stars gave inspiring performances, and ALRP Board, staff, and volunteers helped us receive over \$20,000!

## CASTRO STREET FAIR



Doug Poloway, Blayne Douglas, Rich Puryear, Diana Hughes, and John Shiver collect donations.

Thirty enthusiastic volunteers celebrated the Castro community and charitable causes by collecting donations at the fair gates on October 3.



Ayako Miyashita, Pati Contreras, and Gemma Ross enjoy greeting fair-goers on Castro Street.

## ALRP FROM THE HEART 27<sup>th</sup> ANNUAL RECEPTION

On October 20, over 300 guests helped raise \$131,000 and joined CA State Senator Mark Leno in recognizing *Clint Hockberry Leadership Award* recipient **Martha J. Simon, Esq.**; *Attorneys of the Year* **Michael Bracamontes, Esq.** and **Ryan Vlasak Esq.**; and *Firm of the Year* **Lewis, Feinberg, Lee, Renaker and Jackson, P.C.**



CA State Senator Mark Leno (center) with 2010 Annual Reception Honorees Ryan Vlasak, Michael Bracamontes, Martha Simon, and Daniel Feinberg.

## PRO BONO CONNECTIONS INITIATIVE HIGHLIGHTS

### Manatt, Phelps & Phillips LLP

*Through Cristin Zeisler, Esq.*  
Recently accepted a referral for an asylee seeking lawful permanent residence in the U.S.

### Reed Smith LLP

*Through James Wood, Esq.*  
Accepted several referrals for clients whose HIV status was disclosed to family and co-workers without their consent.

### Seyfarth Shaw LLP

*Through Laura Maechtlen, Esq.*  
Invited ALRP to present at their annual pro bono fair.

*The PBCI helps ALRP connect with the resources and special expertise offered by large law firms.*

## Welcome to the Family

ALRP Staff Attorneys Sara Malan and Maisha Simmons Cole recently welcomed baby girls into their families.



Ava Lynn Malan was born August 21, 2010, weighing 8 lb. 14 oz.



Aaliya Imani Cole was born September 22, 2010, weighing 8 lb. 3 oz.

## Shop for ALRP

SHOP ONLINE THIS  
HOLIDAY SEASON  
[www.iGive.com/ALRP](http://www.iGive.com/ALRP)



Shop at over 700 brand name stores, including:

Nordstrom • Target • Gap  
Eddie Bauer • Borders  
REI • eBay • L.L. Bean  
Macy's • Barnes & Noble  
Amazon.com • Overstock.com  
Shoes.com • Hotels.com  
Office Depot • Home Depot

Sign up or learn more at  
[www.iGive.com/ALRP](http://www.iGive.com/ALRP).

Shop at your favorite online store and make an automatic donation of up to 27% to ALRP!

### GIVE THE GIFT THAT GIVES TWICE!

Looking for a great gift to give to your Mom, Dad, or Partner this holiday season?

Purchase *The Bracelet* and benefit both ALRP and the *Until There's A Cure Foundation*.



Visit [www.until.org](http://www.until.org) to order and see more bracelet styles. Help ALRP be there for our clients, until there's a cure...



## ALRP Reception a Singular Success

### ALRP From the Heart 27<sup>th</sup> Annual Reception & Auction

Over 300 guests celebrated ALRP and joined California State Senator Mark Leno in presenting awards to ALRP's 2010 honorees, including:

Martha J. Simon, Esq., *Clint Hockenberry Leadership Award* recipient  
Michael Bracamontes, Esq. & Ryan Vlasak, Esq., *Attorneys of the Year*  
Lewis, Feinberg, Lee, Renaker & Jackson, P.C., *Firm of the Year*



Guests enjoyed delicious hors d'oeuvres served by **Laurel's Catering** and fine wines and beverages generously donated by **Hansen's Sodas** and **Target Stores**. Event vendors **D.R. & Associates** and **Skona Advertising** also helped make the evening a success. The **Bizzarro's Gala Auctions** team directed an engaging live auction that raised over \$19,000, much of which benefited the HIV/AIDS Insurance Protection Project.

Your contributions helped raise over \$131,900!  
More than 87% will directly support ALRP client programs.



### THANK YOU!

ALRP wishes to thank all our sponsors, donors, and volunteers for making this year's reception a huge success.

## Be an Angel

Join the ALRP Angels Legacy Society by naming ALRP in your will or trust.

Just send us an email confirming your plans or send a copy of the page in your estate documents that mentions ALRP. For more information, visit [www.alrp.org](http://www.alrp.org), click on *Donate*, then *Planned Giving: Wills/Bequests*.



For information on getting help with your will or joining the ALRP Angels Legacy Society, contact: **Jim McBride**, ALRP Development Dir., at (415) 701-1200 ext. 301 or [jim@alrp.org](mailto:jim@alrp.org).

## Fast & Easy Ways to Support ALRP

### ONLINE DONATIONS



Simply click the blue *Donate Now* button on any page at [www.alrp.org](http://www.alrp.org) to help keep ALRP's free legal services available to people with HIV/AIDS this year.

Make a one-time or monthly/quarterly recurring donation. It is fast and easy!

Or mail a gift directly to ALRP at 1663 Mission Street, Suite 500, San Francisco, CA 94103.

### MATCHING GIFTS

#### Corporate Matching Gifts

Multiply your gift with a match from your company.

Encourage your firm/company to match your donation and make *twice* the impact!

Just contact your HR or Contributions office, fill out the form, and send it in with your

donation. Give ALRP a call and we can answer questions and guide you through the process.

### CAR DONATIONS



With the ALRP Car Donation Program, you can get a tax break, free IRS and DMV paperwork, and free pick-up (in most cases). To donate your car, truck, boat, or RV, call Bizzarro's Auctions at 1 (866) 273-5898 or contact ALRP.

### UNITED WAY GIFTS

United Way  
of the Bay Area

LIVE UNITED



United Way has made gift-giving even easier by using mailing addresses to designate charities.

Please designate ALRP by including our address.

Federal and state employees can designate ALRP through the *Combined Federal Campaign* and the *CA State Employee's Charitable Campaign* - look for ALRP in your campaign directory.

### LEGAL SERVICES DONATION PROGRAM



U.S. LEGAL  
Support, Inc.

Does your firm order *electronic discovery services*, schedule *depositions*, or purchase *subpoena preparation* or *record retrieval services*? ALRP has partnered with **Advanced Discovery** and **U.S. Legal Support, Inc.** to raise critically needed funds for our programs.

Participate in the ALRP Legal Services Donation Program (LSDP) and get great service and special competitive pricing – and ALRP gets a donation. To participate, contact: AD-SF (415) 608-4375, AD-Palo Alto (650) 575-4415, or U.S. Legal Support (415) 215-1134.

### More Shopping...

#### FIND GREAT GIFTS UNDER ONE ROOF



Shop at Under One Roof at 518A Castro between 18<sup>th</sup> & 19<sup>th</sup> Streets. Store is open daily from 10:00am-9:00pm.

Or visit

[www.underonerof.org](http://www.underonerof.org).

Help raise funds for AIDS agencies, including ALRP.

*Shop for a cause!*

### Clean Giving

#### CLEAN OUT YOUR CLOSET

Let your holiday and year-end cleaning help ALRP.

Recycle your clothing and household items at Community Thrift.



Simply drop off your items at 623 Valencia Street at 17<sup>th</sup> and list ALRP Code 230.

Donate any day from 10:00am-5:00pm.

Visit this site for a list of acceptable items:

[www.communitythrifsf.org](http://www.communitythrifsf.org)

## Special Thanks

### THE BOB ROSS FOUNDATION

Please join us in thanking The Bob Ross Foundation for its ongoing support of the ALRP Law Clerk Scholarship Program.



Bob Ross Foundation law clerk scholars provide critical program support while learning first-hand about the legal needs and rights of people living with HIV/AIDS.

### KAZAN, McCLAIN, LYONS, GREENWOOD & HARLEY, PLC

Special thanks to our friends at Kazan, McClain, Lyons, Greenwood & Harley, PLC for their advertising sponsorship of ALRP's *Panel Notes*.



Kazan's support made the printing of the 2010 Winter *Panel Notes* possible.

### CASTRO LIONS CLUB

Thank you also to the wonderful folks at the Castro Lions Club, whose donations support the publication and distribution of *Panel Notes*.



# Health Care Reform & HIV/AIDS

## What You Need to Know

People living with HIV/AIDS need immediate access to lifesaving HIV drugs and treatment options but often face barriers to receiving medical care. Although the implementation of the new health care law, called the Patient Protection and Affordable Care Act, will reduce many of these barriers, certain underserved populations will continue to face significant challenges.

Currently, people living with HIV/AIDS in California are unable to access health insurance on the private market due to their pre-existing condition. They are often also ineligible for Medi-Cal, a publicly funded program that provides health insurance to low-income people with disabilities, because their medical condition may not meet Medi-Cal's strict definition of disability. Alternative insurance programs, like California's Major Risk Medical Insurance Program, are simply too expensive to be a realistic option for most people, as premiums can cost over \$1,000 per month.

Uninsured individuals must rely on Ryan White CARE Act-funded services like the AIDS Drug Assistance Program (ADAP) to cover the high cost of HIV-related prescription drugs, and local programs like Healthy San Francisco to access basic and ongoing medical care. However, these programs are not health insurance and offer only particular services and limited health care locations.

In 2014, two major changes to the current health care system will greatly increase access to health care for people living with HIV/AIDS: the expansion of Medi-Cal to include low-income individuals without disabilities and the creation of a health insurance exchange that will make private health insurance available to those with pre-existing conditions.

The Medi-Cal expansion will significantly increase access to medical care for low-income people with HIV/AIDS. A person is considered low-income if he or she earns less than 133% of the federal poverty level. In California it is estimated that 70-75% of uninsured people with HIV/AIDS will qualify for Medi-Cal in 2014.

Also in 2014, people living with HIV/AIDS who make over 133% of the federal poverty level will be able to purchase insurance through a centralized, state-based marketplace called an "insurance exchange." The insurance exchange will end insurance discrimination based on health status by prohibiting health insurance companies from charging higher premiums for people in poor health or denying coverage to people with pre-existing conditions. There will be tax credits, subsidies, and out-of-pocket spending caps for people with incomes between 133% and 400% of the federal poverty level.

Unfortunately, these reform measures are not a perfect solution. Undocumented immigrants will continue to be ineligible for Medi-Cal and not allowed to participate in the health insurance exchange, resulting in a significant uninsured population in California with few options for access to health care. Additionally, Medi-Cal eligibility does not necessarily result in immediate access to health care providers, as many physicians do not accept Medi-Cal patients because the reimbursement rate for providers is significantly lower than with other types of insurance.

Further, although there will be provisions for subsidies and tax credits to make health insurance available through the exchange more affordable, these measures could still be insufficient in reducing the out-of-pocket costs for people living with HIV/AIDS who access frequent medical services.



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Panel Attorney Spotlight: Mark Chernev  
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health, job, housing, and insurance can lead many clients to consider bankruptcy.



Mark recognizes that once clients amass excessive debt, it can take a lot of courage to face their situation and take the steps needed to gain financial control. One of his clients recently stated, “I was not sure where to turn to with my situation.... I was extremely nervous.” After receiving assistance with filing, the client

said, “Mark exceeded my expectations and was so thorough; it set my mind at ease.” Mark further demonstrates his commitment to helping ALRP clients by handling bankruptcies at a substantially reduced rate.

Mark’s dedication to assisting vulnerable communities has an interesting origin. Hailing from Parsippany, New Jersey, Mark graduated from Widener University School of Law in Delaware in 1999. He served as Deputy Attorney General for the Delaware Department of Justice for eight years and sees the similarities between people who have been victims of crime and those who have fallen on tough financial times. Mark says, “Helping people through the criminal justice system is as rewarding as helping people

gain financial control of their lives.” While Mark has moved on from criminal court, he remains committed to helping people in need.

Since relocating to San Francisco three years ago, Mark has fallen in love with the Bay Area. He is a San Francisco history buff and member of Friends of the Library. An avid music fan, he especially enjoys listening to independent bands, classic rock, and hip hop. Although it was somewhat challenging to begin a law practice without any roots in the community, The Chernev Firm has flourished. It is no doubt due to Mark’s commitment to using his legal skills to improve the overall wellbeing of his clients. ALRP is truly grateful for Mark’s dedication to serving those living with HIV/AIDS.

Health Care Reform & HIV/AIDS  
*Continued from previous page*

Prior to the implementation of these major changes in 2014, people with HIV/AIDS can access health insurance by applying for the Federal Pre-Existing Condition Insurance Plan (PCIP), which is a temporary new health insurance option for persons with pre-existing health conditions like HIV. The plan provides an essential benefits package at lower rates than California’s Major Risk Medical Insurance Program. In order to qualify for PCIP, applicants must not only have a pre-existing condition, but also be uninsured for at least six months. Go to [www.pcip.gov](http://www.pcip.gov) for more information about how to apply.

For more information about the new health care reform measures and how they will affect the HIV-positive community, please contact ALRP.

A New Home for Hector  
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and health care providers that testified to Hector’s character and new outlook on life. “[Hector] has been working hard to change his life and to become a healthy person,” a case worker wrote. “I believe that he has turned his life around.”

By documenting Hector’s successful treatment and his ability to be a responsible tenant, Ted was able to address the housing provider’s concerns.

In October, Hector’s appeal was finally approved. He is now a resident of the affordable housing development and is thrilled to have a place to call home. Hector is healthy and now has the time to focus on his future, including returning to school and work, without the constant worry about where he will live.

Hector is extremely grateful for the help he received from Ted Garey and the ALRP staff, and is eager to move forward with life in his new home.



ALRP Staff Attorney Ted Garey



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# Upcoming ALRP Events



**ACADEMY OF FRIENDS  
OSCAR NIGHT GALA**  
Sunday, FEBRUARY 27  
Put on the ritz and support  
ALRP and AOF.



**AIDS WALK 2011**  
Sunday, JULY 17  
Golden Gate Park, SF  
Join the ALRP Legal Eagles Team!



**ALRP VOLUNTEER  
APPRECIATION PARTY**  
Wednesday, APRIL 13  
Celebrate ALRP's dedicated  
corps of volunteers.



**ALRP From the Heart 28<sup>th</sup>  
ANNUAL RECEPTION & AUCTION**  
Wednesday, OCTOBER 19  
Commemorate ALRP's 28<sup>th</sup>!



**ALRP Advocates Council  
LEADERSHIP BENEFIT**  
Wednesday, MAY 18  
Lead the way as we honor our  
major donors.

## ...Mark Your Calendar!