

AIDS Legal Referral Panel | Rules

I. Purposes

The AIDS Legal Referral Panel of the San Francisco Bay Area (hereinafter referred to as “ALRP”) is an educational and charitable organization. ALRP’s mission is to help people living with HIV/AIDS maintain or improve their health by resolving their legal issues. The purposes of ALRP are:

- A. To assist persons living with HIV/AIDS, or who are otherwise legally affected by the HIV/AIDS epidemic;
- B. To provide a free legal referral and information service for persons living with HIV/AIDS, regardless of their ability to pay;
- C. To educate and inform the general public on HIV/AIDS legal issues and to promote the legal rights of people living with HIV/AIDS; and
- D. To educate and train legal professionals, health care providers, and other caregivers on HIV/AIDS legal issues.

II. Administration of the Panel

- A. ALRP shall operate according to the organization’s Articles of Incorporation, Bylaws, Rules, and Fee Protocol, as approved by the Board of Directors of ALRP (hereinafter referred to as the “Board”). The Board shall govern ALRP.
- B. The Board shall have the responsibility of regularly reviewing and, if necessary, amending these Rules.
- C. ALRP expressly reserves the right to decline to make its services available to any person or entity, except that such refusal may not be on the basis of age, color, creed, disability, economic status, gender identification, housing status, marital status, medical condition, national origin, political affiliation, race, religion or sexual orientation.
- D. The Board supervises the financial operations of ALRP.

III. Establishment of Panels

- A. ALRP shall operate through separate panels of lawyers and shall make referrals for service under these Rules.
- B. There shall be a general panel which the Board may subdivide into as many subpanels as appropriate. All general Panel Attorneys shall attend a training before joining ALRP or shall demonstrate requisite experience (e.g. to have previously handled at least two cases in the area of law).
- C. There shall also be at least the following subject matter panels: *confidentiality, conservatorship/guardianship, contracts, credit/bankruptcy, employee benefits, employment, estate planning, family, government benefits, insurance, landlord/tenant, medical malpractice, probate, public accommodations, real estate, tax, tort, traffic,*

and wills/powers of attorney. All Panel Attorneys shall attend a training course before joining the respective experience panel or shall demonstrate requisite experience in their practice (e.g. to have handled at least two (2) cases in their specific area of law).

IV. Membership, Eligibility & Tithing

- A. Each ALRP Panel Attorney applicant must be an active member of the State Bar of California and shall agree to:
 1. Attend the appropriate training or demonstrate requisite experience (e.g. at least two (2) cases handled in each of the legal areas in which they receive referrals);
 2. Abide by the Rules and Fee Protocol procedures attached to the attorney’s application form, also available on the ALRP website;
 3. Submit accurate statements on the Panel Attorney application form;
 4. Contribute ten percent (10%) of any fee earned through ALRP referrals to the AIDS Legal Referral Panel of the San Francisco Bay Area; and
 5. Report on all cases accepted from ALRP on a form provided by ALRP or through the ALRP website.

V. Resignation, Suspension, Removal & Other Discipline

- A. Any Panel Attorney may resign at any time with completion of reports on all referrals and payment of any tithing. This does not relieve the Panel Attorney of obligations under the State Bar Code of Ethics and the Business and Professions Code regarding withdrawal from representation.
- B. The Board may suspend a Panel Attorney or the Panel Attorney’s law firm for failure to:
 1. Pay any required tithing;
 2. Submit all required reports;
 3. Abide by all applicable sections of the Business and Professions Code regulating the conduct of attorneys;
 4. Abide by the Code of Professional Responsibility of the State Bar of California; or
 5. Sign, return and comply with ALRP’s Rules and Fee Protocol.
- C. The Board may suspend or permanently remove a Panel Attorney or the Panel Attorney’s law firm for the above grounds if the conduct is egregious or is a repeat offense.

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- D. If a Panel Attorney or the Panel Attorney's law firm has engaged in conduct not meriting suspension or removal, ALRP may send a written reprimand.
- E. The procedures for suspension, removal and other discipline are:
1. Investigation and Response to Complaints
 - a. The Board shall establish an Attorney-Client Relations Subcommittee (hereinafter referred to as the "Subcommittee") to investigate all complaints from any source regarding the conduct of an ALRP Panel Attorney. The subcommittee shall conduct its investigation with due diligence. The Subcommittee shall obtain a response to the complaint from the ALRP Panel Attorney. The Subcommittee shall have the power to temporarily suspend a Panel Attorney and/or the Panel Attorney's law firm pending Board action.
 - b. The Subcommittee shall maintain a file of its investigation. Whenever the Subcommittee determines that grounds exist for disciplinary action, the Subcommittee shall recommend that the Board suspend or otherwise discipline the ALRP Panel Attorney and/or the Panel Attorney's law firm. Where discipline is not warranted, the Subcommittee shall close the matter with no action and shall notify the parties if appropriate.
 - c. After review of the Subcommittee's report and recommendation, the Board shall decide what action it deems appropriate and shall implement its decision regarding suspension, removal, or other disciplinary action.
 2. Notice of Action | The Board shall give written notice to the Panel Attorney or the Panel Attorney's law firm of the suspension, removal, or other disciplinary action. Such notice shall contain a description of the complaint and a statement of whatever action the Board has taken.
 3. Right to Appeal | An ALRP Panel Attorney or the Panel Attorney's law firm may appeal the suspension, removal or other disciplinary action. Within fifteen days of receiving the notice of action they must submit a written rebuttal with any supporting material and arguments. If the Panel Attorney or the Panel Attorney's law firm fails to submit a written response, the decision of the Board shall become final. The Panel Attorney or the Panel Attorney's law firm shall mail the response to the ALRP Executive Director or send by email at bill@alrp.org. The Subcommittee shall consider all response documents and may also consider other information before making its recommendation to the Board.

A Panel Attorney or the Panel Attorney's law firm does not have a right to appear before the Subcommittee. The Subcommittee, however, in its sole discretion, may take any steps, including conducting a hearing, in order to consider the matter. The Board shall then make a final decision regarding the appeal.

VI. Referral Procedures

- A. ALRP shall operate its referrals according to the organization's Rules and Fee Protocol.
- B. Any person with HIV/AIDS or with an HIV/AIDS-related legal problem may contact ALRP and request a referral to a Panel Attorney.
- C. Every effort will be made to make ALRP services accessible.
 1. All staff and volunteers shall make all reasonable efforts to serve people who may appear disorganized, non-compliant, or challenging to work with due to a physical and/or mental health disability.
 2. ALRP reserves the right to decline to refer a client to a Panel Attorney, or to refuse service altogether, if after reviewing the client's case, ALRP determines that a referral to a Panel Attorney is not the most appropriate and/or most efficacious course of action.
- D. ALRP shall refer a prospective client to the next available Panel Attorney(s) on a rotation basis unless circumstances warrant a referral of a client to a particular Panel Attorney. ALRP shall make referrals that respond to the client's circumstances, including the type and degree of difficulty of the client's legal problem, geographical convenience, language needs, and physical or mental health disabilities.
- E. Each Panel Attorney shall handle ALRP referral clients with the same courtesy and diligence as non-referral clients.
- F. Each Panel Attorney shall consider the health condition of referral clients for the purpose of providing emergency legal assistance (e.g. the need to make hospital or home visits in order to prepare a will immediately for a client). If the client is hospitalized, homebound or unable to come to the attorney's office due to illness, the Panel Attorney shall prepare a simple will, durable power of attorney, and/or advance healthcare directive within forty-eight (48) hours of obtaining the client's information. For other clients, an ALRP Panel Attorney must complete a simple will, durable power of attorney, and/or advance healthcare directive within seven (7) calendar days of obtaining the client's information. The Panel Attorney shall be present at the time of executing the client's will.

Please contact danicah@alrp.org or (415) 701-1200 ext. 303 with questions.