By the time Jose P. called ALRP for legal help, he was afraid to leave his apartment. Having been bullied for being gay when he was younger, Jose now faced a frightful bully as a neighbor. Only this time, the bully was wielding the law as her club.

Jose’s relationship with his once cordial neighbor deteriorated after she began making disparaging remarks about the HIV+ community. When she started becoming increasingly hostile, he brought the matter up to building management. Unfortunately, nothing changed. One day, Jose discovered that his neighbor had obtained a temporary restraining order against him.

Jose was not supposed to come within nine feet of his neighbor in the same low-income housing complex. Though the allegations in her petition were untrue, Jose feared encountering his neighbor and facing serious legal consequences every time he stepped out his front door.

“It was a painful situation, and my partner and I went through a very hard time,” said Jose. “I felt like I was under house arrest. I couldn’t even use the laundry room because I didn’t want to face her.”

It was difficult for Jose to feel homebound because he is a very active participant in the HIV/AIDS community. Jose volunteers at San Francisco General Hospital’s Ward 86 (HIV/AIDS Ward), the AIDS Housing Alliance, the SF Pride Parade, Glide Memorial Church, and also maintains a part-time job.

ALRP referred Jose to Panel attorney Jeremiah Guerin, who was experienced in housing law and restraining orders. “Jose was so distraught when he came to me,” said Jeremiah. “He couldn’t sleep, and he was extremely anxious. English is his second language, which was a significant factor. He

Emily Nugent, ALRP’s Attorney of the Year, started down the path to becoming a Panel attorney during a legal internship at the Whitman Walker Clinic in Washington, D.C. “I represented three clients with advanced AIDS, who were all experiencing discrimination at work,” she said. “I thought, ‘Didn’t everybody see the movie Philadelphia? Don’t we all understand that this isn’t right?’”

After helping these clients exercise their legal rights in the workplace, Emily was determined to pursue a career in employment and discrimination law.

Emily joined Dickson Geesman LLP in Oakland three years ago, where she focuses on civil rights in the workplace. She joined the Panel in 2010, and has since provided legal help to 16 clients. “Our firm’s purpose is to help employees, so my Panel work

Please Note!
This will be our last paper Panel Notes. See the yellow insert to ensure that you receive our new e-newsletter.

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As ALRP approaches its 30th year of service, it is important to remember the challenges we face at home in the U.S. in addressing the epidemic.

The federal government has developed a new tool called the HIV Treatment Cascade, designed to visually show the number of HIV+ individuals in the U.S. who are fully benefiting from the medical care and treatment available.

With each step of the cascade, a significant number of people fall off. Only a minority of persons actually achieve suppression of their viral infection.

Of the 1.1 million people living with HIV in the U.S., only 82% have actually been diagnosed, only 66% have been linked to care, only 33% have been prescribed antiretroviral therapy, and only 25% are virally suppressed. This means that only 25% of the more than one million HIV+ people in the U.S. are getting the care they need to manage the disease.

Thirty years into this epidemic we know that it takes more than just a simple pill; it takes an array of supportive services to get people into treatment and to keep them healthy.

ALRP’s legal services are a necessary component of the continuum of care. Every day we make a difference in the lives of our clients living with HIV. Our recent efforts include securing housing for a 70-year-old homeless man, winning political asylum for an immigrant fleeing persecution in Honduras, and obtaining disability benefits for a man whose insurance company denied his claim.

With ALRP on their side, clients can resolve their legal issues and better maintain their overall health.
Recent Events

SF AIDS Walk

On July 15, the ALRP Legal Eagles AIDS Walk team smashed all previous team records! 43 walkers, including 10 StarWalkers, raised a staggering $25,204. Thank you for an incredible AIDS Walk!

Up Your Alley & Folsom Street Fairs

On July 29 and September 23, over 115 ALRP volunteers turned out for these fun leather and fetish fairs to raise funds for ALRP programs. Thank you to our amazing volunteers!

REAF Gala

ALRP was a beneficiary of the Richmond/Ermet AIDS Foundation’s Help Is On The Way Gala held on August 5. This spectacular variety show featured music, comedy, and dance from Broadway and Hollywood.

Castro Street Fair

On October 7, ALRP volunteers gathered on Castro Street to welcome fairgoers and collect donations.

ALRP From the Heart 29th Annual Reception

ALRP Executive Director Bill Hirsh addresses the crowd at the Reception. See article on pg. 4 for more info.

ALRP volunteers join the Sisters of Perpetual Indulgence in collecting donations at the fair gates

Law Firm Connections

PRO BONO CONNECTIONS INITIATIVE (PBCI) HIGHLIGHTS

Fenwick & West LLP
Through Chris McDermott

Keker & Van Nest LLP
Through Dan Purcell
Helped a client remove public documents from the internet that disclosed confidential health information.

Morgan Lewis LLP
Through Christina Gonzaga
Helped a homeless teenage refugee from Somalia file for lawful permanent residence.

Reed Smith LLP
Through Jim Wood
Represented a tenant with disabling AIDS facing eviction from his home of 16 years.

Schiff Hardin LLP
Through Rocky Unruh
Negotiated a settlement for a client whose landlord refused to accept a rental assistance check from the Salvation Army.

Seyfarth Shaw LLP
Through Laura Maechtlen
Helped a lawful permanent resident of five years apply for U.S. citizenship.

The PBCI connects ALRP with the resources and expertise of large Bay Area law firms.
ALRP Reception & Auction a Success

Over 300 guests celebrated ALRP as San Francisco City Treasurer Jose Cisneros presented awards to ALRP’s 2012 honorees, including:

Boone Callaway, Esq., Clint Hockenberry Leadership Award
Emily Nugent, Esq., Attorney of the Year
Reed Smith LLP, Firm of the Year

Guests enjoyed delicious hors d’oeuvres provided by Laurel’s Catering and fine wines and beverages generously donated by Cornerstone Cellars and Target Stores.

Bizzarro’s Gala & Event Auctions directed an engaging live auction that helped us raise over $140,000, with more than 85% directly supporting ALRP client programs.

Clean Out Your Closet

Year-end cleaning can help ALRP and get you a tax break!

Recycle clothing and household items at the Community Thrift Store.

Drop off items at 623 Valencia Street at 17th and list ALRP Code 230 any day from 10:00am-5:00pm.

View a list of acceptable items: www.communitythriftsf.org

Thank You!

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

REAF Holiday Gala

Please join us for the Richmond/Ermet AIDS Foundation’s Help is on The Way for the Holidays XI AIDS Benefit Concert.

Monday, December 10, 2012
7:30pm - 10:00pm
Marines Memorial Theater
609 Sutter Street, San Francisco

ALRP is selling tickets to REAF’s holiday concert. 100% of the tickets we sell benefit ALRP!

The Broadway touring casts of Book of Mormon & Disney’s The Lion King will perform. Special guests include Bruce Vilanch, Mary Wilson, Paula West, Connie Champagne, Spencer Day, and Tim Hockenberry.

Performance tickets start at only $40.
Tickets can be purchased at www.helpisontheway.com or by calling (415) 273-1620.
Please mention ALRP when ordering your tickets. We hope to see you there!
Fast & Easy Ways to Support ALRP

ONLINE DONATIONS

Simply click the Donate Now $ button on any page at www.alrp.org to help keep ALRP’s free legal services available to people with HIV/AIDS this year.

Make a one-time, monthly, or 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 Cars With Heart at 1 (866) 273-5898 or contact ALRP.

UNITED WAY GIFTS

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

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) 684-1300, AD-Palo Alto (650) 559-0902, or U.S. Legal Support (415) 215-1134.

Please contact Development Director Jim McBride at 415-701-1200 ext. 301 or jim@alrp.org

More Shopping

FIND HOLIDAY GIFTS AT UNDER ONE ROOF

Shop at Under One Roof at 518A Castro between 18th & 19th Streets.

Store is open daily from 10:00am-9:00pm.

Or visit www.underoneroof.org.

Help raise funds for AIDS agencies, including ALRP.

Shop for a cause!

THE PERFECT HOLIDAY GIFT...

Check out the new gold bracelet or select from over 30 other styles. Prices range from $1-$150.

Give The Bracelet and benefit both ALRP and the Until There’s A Cure Foundation.

Visit www.until.org to order.

Help ALRP be there for our clients, until there’s a cure...
Many ALRP clients seek help with securing political asylum in the U.S. They often fear persecution or lack of access to medical care in their countries of origin. Despite having a compelling story, demonstrating eligibility can be challenging. Access to a skilled attorney is essential. There are three issues affecting eligibility that are important to consider.

First, under Immigration and Nationality Act (INA) law, any foreign national physically present in the U.S., regardless of her immigration status, may apply for asylum within one year of arrival in the U.S. The foreign national must prove that she fits the definition of “refugee” under the INA, in that she is “unable or unwilling” to return to her home country “because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.”

Beyond proving that the asylum applicant is a member of a social group, she must prove either that she has suffered persecution, or that she has a reasonable fear of suffering persecution based on her membership in that group. An applicant must also show that the government of her country of origin is unable or unwilling to protect her from this persecution. Proof of country-wide institutionalized discrimination is often necessary.

Proving persecution based on HIV status alone is uncommon. For most judges, HIV status must be paired with another characteristic, such as sexual orientation, in order to sufficiently narrow the asserted ‘social group.’ However, HIV can be presented as an “aggravating factor to persecution suffered” by an asylum applicant. An applicant’s HIV status may “impute the persecuted sexual orientation making it impossible to avoid persecution,” or HIV may “increase the health risks of persecution due to medical complications.” Either way, HIV can weigh in favor of a finding that an applicant’s fear of future persecution is reasonable.

Second, asylum applicants have attempted to argue that a lack of medical care in their countries of origin — which would often mean a death sentence should they be forcibly returned — proves persecution under the INA. Unfortunately, courts have generally not construed this to be sufficient proof of persecution because it is not clear that the lack of care is directly based upon HIV status. For example, courts frequently find that constraints on resources are the primary reason for the inadequate care.

Third, the one-year time limit for an asylum application will be waived only if the applicant can demonstrate either “the existence of changed circumstances which materially affect the applicant’s eligibility for asylum or extraordinary circumstances relating to the delay in filing the application.”

Seroconversion, or learning of one’s HIV status after the first year in the U.S., can constitute such circumstances, particu-
felt overwhelmed by the legal system and assumed he couldn’t win.”

As Jeremiah researched the case, it became clear that Jose was only one of the neighbor’s targets for harassment. He also realized that without representation, Jose was likely to have a permanent restraining order issued against him, despite the flimsiness of the neighbor’s case.

“Jose was so anxious that he would not have been able to speak in his own defense,” said Jeremiah. “If he’d lost, his name would have gone into a criminal reporting system, which would have alerted any potential employers to the restraining order. It would have been very detrimental to him.”

Jeremiah prepared to represent Jose at the next hearing, only to have the judge change the date. In order to keep the new date, Jeremiah had to reschedule a longstanding surgical appointment. He was determined to see the case through rather than hand it off to another attorney. “I had already told Jose that I wanted to support him during this legal proceeding,” he said. “It was important to me to convey my confidence in him.”

When Jeremiah and Jose returned to court, the restraining order was quickly dismissed. The neighbor’s testimony contradicted her own pleading statement, and Jose had a witness to attest to his side of the story. Jose was even awarded $250 in court costs, which Jeremiah requested because he felt it would discourage the neighbor from continuing to harass others.

“Most of the time I know how to defend myself,” said Jose. “When you’re gay, you get bullied a lot, and I know how to face it. But to face the legal system in America... I had no clue what to do. I couldn’t have faced this on my own. Jeremiah was amazing. He was my ticket to getting my life back. He is an amazing lawyer and an incredible person.”
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Editor
Jennifer Schuster

Upcoming Events

SAKS SHOPPING EVENT
Thursday, November 29
Saks 5th Avenue on Union Square
Shop with BALIF at the Saks Men’s Store from 6:00-8:00pm to raise funds for ALRP.

CASTRO SHOPPING EVENT
Saturday, December 1
Shop in the Castro on World AIDS Day and support ten AIDS service agencies, including ALRP.

REAT HOLIDAY SHOW
Monday, December 10
Marines Memorial Theater, SF
Purchase a ticket for the REAF holiday gala and support ALRP.

ALRP 30th ANNIVERSARY LAUNCH PARTY
January 2013
ALRP will launch our Campaign to commemorate 30 years of service.

OSCAR NIGHT GALA
Sunday, February 24
Join us for the Academy of Friends’ swanky Oscar night fundraiser.

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