



Panel Notes



Panel Attorney Spotlight

Emily Nugent

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

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Jose Stands Up to a Neighbor's Bullying

ALRP Panel Attorney helps client navigate the legal system

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 volun-

teers 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



ALRP Client Jose P. (right) with his partner at the SF AIDS Walk.

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 lan-

guage, which was a significant factor. He

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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

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The HIV Treatment Cascade

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 anti-retroviral 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.

Three out of every four people are not getting the treatment they need.

Thirty years into this epidemic we know that it takes more than just a simple pill; it

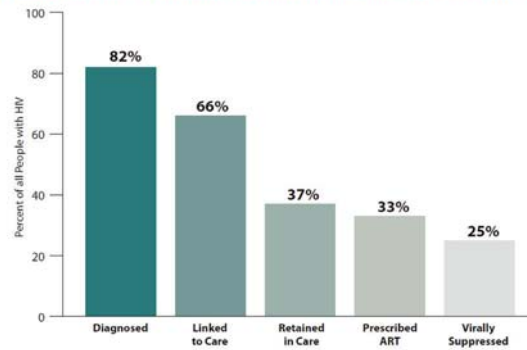
takes an array of supportive services to get people into treatment and to keep them healthy.

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.

OVERALL: Of the 1.1 million Americans living with HIV, only 25 percent are virally suppressed.



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Housing Attorney

Jennifer Schuster
Volunteer Coordinator

PRO BONO CONNECTIONS INITIATIVE (PBCI) HIGHLIGHTS

Recent Events



SF AIDS Walk



The ALRP Legal Eagles AIDS Walk Team in action!

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!



REAF Gala



ALRP volunteers serve hors d'oeuvres at the 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.



Up Your Alley & Folsom Street Fairs



USF Pride Law students go above and beyond to volunteer at Folsom on behalf of ALRP

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!



Castro Street Fair



ALRP staff and friends at the 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

Fenwick & West LLP

Through Chris McDermott
Drafted a Will, Advance Health Care Directive, and Power of Attorney for a client.

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.

Shop for ALRP

SHOP ONLINE THIS
HOLIDAY SEASON



iGive.com/ALRP

Shop at over 700 brand name stores and help support ALRP programs.

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

Your purchases make an automatic donation of up to 27% to ALRP!

Sign up or learn more at www.iGive.com/ALRP.

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

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.



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
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) 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...



Political Asylum for ALRP Clients

By ALRP Law Clerk Melanie Zuch

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-

larly where the applicant experienced “debilitating depression” after learning of her diagnosis. HIV can also be the basis for an exception to the filing deadline if the applicant can show that she was unable to file within the one-year period after arrival because of “serious illness.”

Because of the particular social group, persecution, and timing requirements, prevailing on an asylum claim based solely on HIV status is difficult, but possible. ALRP has secured favorable, though unpublished, decisions. However, HIV may

be a supporting factor in an asylum application that is also based on other grounds. An HIV diagnosis may impute the applicant’s sexual orientation in certain countries thus making persecution more likely, bolster the gravity of the health and safety consequences of any potential or past persecution of the applicant, and/or render relocation within the applicant’s country of origin unreasonable.

ALRP’s Immigrant HIV Assistance Project (IHAP) helps clients achieve their immigration goals.



ALRP Staff Attorney Ana Montano leads the Immigrant HIV Assistance Project (IHAP)

Panel Attorney Spotlight: Emily Nugent

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fits right in. I'm grateful that I have the freedom to do the kind of work I want to do, for the people I want to help, and for the community that first started me on my career path to employment law."

Emily's ALRP cases have ranged from complex to simple. Sometimes just having an attorney make a phone call or write a letter can make all the difference for clients who hope to get their jobs back or receive severance pay.

Other employment cases are not as straightforward. One ALRP client, who has survived multiple instances of AIDS-related cancer, relies on the comprehensive medical treatment available in San Francisco. When his employer tried to

transfer him across the country, Emily helped him fight for a reasonable accommodation so that he could remain in San Francisco. After working with Emily, this client called ALRP to tell us that working with Emily was "the best Christmas present ever."

"When you have medical complications that come with being HIV+, the last thing you want to worry about is your income and insurance," Emily said. "I help people keep their jobs and give them the information they need to advocate for themselves at work."

After advocating on behalf of ALRP clients for two years, Emily has come to appreciate ALRP's unique model of

service. "ALRP clients always thank me for my service not only to them, but to ALRP, which I think is unusual in legal services," she said. "Clients call me because they have something distressing going on in their lives, and yet they also take the time to thank me."

What really stands out to Emily is that ALRP's work is such a collaborative effort. Because we all have the common goal of addressing the legal needs of people living with HIV/AIDS, everyone at ALRP supports each other. "The staff of ALRP is really good at building relationships with both clients and attorneys. They make me, as a volunteer, feel so valued."

Jose Stands Up to a Neighbor's Bullying

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felt overwhelmed by the legal system and assumed he couldn't win."



Panel attorney Jeremiah Guerin

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."



Jose P. and his mother at Fisherman's Wharf.



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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.



ALRP 30th ANNIVERSARY LAUNCH PARTY

January 2013
ALRP will launch our Campaign to
commemorate 30 years of service.



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



OSCAR NIGHT GALA

Sunday, February 24
Join us for the Academy of Friends' swanky
Oscar night fundraiser.



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