Maintaining Mobility
ALRP attorneys secure reasonable accommodation for tenant

Under the advice of his doctor, Blayne Douglas ordered a motorized “Jazzy” wheelchair and eagerly awaited its delivery. Blayne is living with HIV and had suffered some recent setbacks in his health that made it increasingly difficult for him to walk. As he prepared for his Jazzy to arrive, the elevator in his building began to concern him – the two doors of this older model had to be opened simultaneously in order to enter. Blayne realized that it would be impossible for him to access the elevator with his Jazzy – a terrifying prospect, as he was no longer able to manage the necessities of his daily life without a wheelchair. Therefore, he hoped his landlord would allow him to store the wheelchair in the building’s garage, from which he could easily access the elevator and then navigate the short walk to his apartment.

After completing the initial intake with Blayne, ALRP Staff Attorney Diana Hughes, who is participating in a community service fellowship through the firm Dewey & LeBoeuf, immediately contacted the landlord’s attorney and requested a reasonable accommodation. Under state and federal fair housing laws, landlords are required to change existing policies and procedures when a tenant’s disability necessitates such change. In this case, Diana requested that Blayne’s landlord make an exception to its general policy prohibiting tenants from storing personal items in the garage. Much to her shock and dismay, the request was denied.

Realizing that the landlord was going to fight the accommodation, Diana set out to find an ALRP Panel Attorney who would be willing to step in. She reached out to long-time Panel Attorney Andrew Westley, who immediately agreed to assist. Andrew arranged for a meeting at the property with all of the parties present. Although the Jazzy had arrived, Blayne was unable to use it without a storage space. “I had to put my life on hold, because I was without the tools I needed to stay active in it,” Blayne explains. However, having the Jazzy there did prove to be useful. At the meeting, Blayne was able to demonstrate that it was impossible for him to maneuver the chair into the elevator. According to Diana, “we all watched for several minutes as Blayne tried unsuccessfully to get into the elevator with his wheelchair. Eventually Andrew and I had to assist him by physically lifting the Jazzy into the elevator.”

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There was a heartfelt documentary shown at the Frameline Film Festival this year called “We Were Here” that chronicled the early years of the AIDS epidemic in San Francisco. As is often the case waiting in line at the Festival, I ran into many friends, including many ALRP supporters. During the film a large part of the crowd was openly weeping, and the standing ovation at the end was a rousing collective cheer for the filmmaker and subjects, as well as for all of us in attendance. We were there. We lived through those scary times. We cared for our friends and lovers as we fought for treatments and against discrimination.

As the film made clear, the story of AIDS in San Francisco is not over yet. While it is true that not as many people are dying of AIDS, the sad truth is that more people are living with HIV/AIDS than ever before and we still don't have a cure. In fact, we have new challenges confronting us all the time. For instance, I learned recently through ALRP's involvement in a workgroup on Aging and HIV that by 2012 over half of all people living with HIV will be over 50 years old. On one level this is great news. But how do we ensure that older people living with HIV/AIDS have the necessary legal assistance to navigate increasingly complex systems to secure and maintain income and healthcare benefits?

While the legal needs of our clients have changed greatly over time, and they are changing still, ALRP has remained a constant in the exemplary model of care for people with HIV/AIDS that San Francisco built in those early years and has sustained to this day. And like at the end of a movie, until the need for our services fades into the sunset – we’re still here…
ALRP’s Recent Events

**ACADEMY OF FRIENDS GALA**

Thirty ALRP volunteers helped at the Academy of Friends Oscar Night Gala on March 7. Our volunteers assisted guests and worked behind the scenes. Overall, ALRP’s team of generous volunteers donated a remarkable 130 hours!

**ALRP ADVOCATES COUNCIL LEADERSHIP BENEFIT**

On May 19, over 100 donors attended our 2010 Advocates Council Leadership Benefit as part of our spring Solid Ground Individual Donor Campaign. Long-time ALRP supporter Mary Lou Hely was presented with the James C. Hormel Philanthropist Award, and the Horizons Foundation received ALRP’s Community Partner Award.

**ALRP 10th ANNUAL VOLUNTEER APPRECIATION PARTY**

On April 21, ALRP honored its dedicated Panel attorneys and event and office volunteers at Pillsbury Withrop Shaw Pittman LLP for the 10th Annual Volunteer Appreciation Party. Ed Rittenhouse was recognized as ALRP’s Volunteer of the Year for his willingness to volunteer at almost every ALRP event - and showing up with cookies doesn't hurt either.

**FAIR HOUSING TRAINING**

On April 22, ALRP presented its annual training on Fair Housing and Reasonable Accommodations for Tenants with Disabilities, co-sponsored by the San Francisco Mayor’s Office on Disability. We trained over 80 community members including housing providers, support services staff, tenants, and tenant advocates. Thank you to all of the facilitators and participants!

**Volunteers Corner**

We invite all long-standing and new volunteers to come join the fun at the these upcoming events:

- **FOLSOM STREET FAIR**
  Sunday, September 26

- **CASTRO STREET FAIR**
  Sunday, October 3

- **ALRP 27th ANNUAL RECEPTION & AUCTION**
  Wednesday, October 20

To volunteer or for questions, please contact Jennifer Schuster, at jennifer@alrp.org or (415) 701-1200 ext. 303.

**Connections Corner**

**PRO BONO CONNECTIONS INITIATIVE HIGHLIGHTS**

- **Crowell & Moring LLP**
  Through David Barton, Esq.
  Recently joined the PBCI and has already assisted with a referral for a difficult asylum case.

- **Hanson Bridgett LLP**
  Through Steven Miller, Esq.
  Accepted a referral for an asylee seeking U.S. citizenship.

- **Morrison & Foerster**
  Through Sandra Nazal, Esq.
  Recently accepted a referral for an asylee seeking lawful permanent residence in the U.S.

The PBCI is ALRP’s effort toward connecting with the special areas of expertise and resources that larger law firms can offer.
Be a Part of the ALRP Event of the Year

BUY A RECEPTION TICKET

JOIN US on Wednesday, OCTOBER 20
as ALRP commemorates 27 years of service at our
ALRP From the Heart 27th Annual Reception & Auction
6:00-9:00pm in the Green Room of the SF War Memorial
Building (410 Van Ness in SF).

ALRP 2010 Honorees:
Martha J. Simon, Esq. - 2010 Clint Hockenberry Leadership Award
Michael Bracamontes, Esq. & Ryan Vlasak, Esq. - 2010 Attorneys of the Year
Lewis, Feinberg, Lee, Renaker & Jackson, P.C. - 2010 Firm of the Year

Guest Host will be Mark Leno, California State Senator.
The reception includes a Live & Silent Auction and Wine & Catered Hors D’oeuvres.
Last year we raised over $118,000, 89% of which went directly to client services.

TICKETS START AT ONLY $75. Visit www.alrp.org for more information.

BID ON AN AUCTION ITEM

Visit www.biddingforgood.com/ALRPauction and let the bidding begin!
ALRP is holding an online auction as part of our 27th Annual Reception & Auction.
In addition to the Live and Silent Auction at the Reception on October 20, the ALRP Online Auction will run from September 1 through October 18. All high bids at the close of the online auction become opening bids at the Live/Silent Auction.

Over 60 items will be featured, including adventures, entertainment, wine, restaurant gift certificates, memorabilia, gifts, jewelry, travel, and more…

If you can’t attend the Reception, ALRP can still bid for you.
Simply select the Proxy Bidder option and list your maximum bid amount for each item.

Please support the work of ALRP by bidding in our online auction. Thank you.

Be an Angel

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

All we need is an email confirming your intention or a copy of the page in your estate documents that mentions ALRP. For more information, visit www.alrp.org and click on the Donate menu item, then click on Planned Giving: Wills/Bequests in the left menu.

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.
Fast & Easy Ways to Support ALRP

ONLINE DONATIONS

Simply click the blue DONATE NOW button on any page at www.alrp.org to help keep ALRP’s legal services available to people with HIV/AIDS this year. Make a one-time or monthly/quarterly recurring donation. It is easy and easy!
Or mail a gift directly to ALRP, 1663 Mission St., Suite 500, San Francisco, CA 94103.

MATCHING GIFTS

Corporate Matching Gifts | Multiply your gift with a match from your company.

Get 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. ALRP can assist you. Just call us…

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 or truck, simply call our car program partner BIZZARRO’S AUCTIONS at 1 (866) 273-5898 or contact ALRP.

UNITED WAY GIFTS

United Way now uses addresses for designations instead of codes. Please designate ALRP by including our address; 1663 Mission Street, Suite 500, San Francisco, CA 94103.
If you are a federal/state employee, 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? Participate in the ALRP Legal Services Donation Program (LSDP) and get great service and special competitive pricing – and ALRP gets a donation. For electronic discovery services, contact Advanced Discovery at (415) 608-4375 (SF) or (650) 575-4415 (Palo Alto). For depositions, subpoena prep, or record retrieval services, contact U.S. Legal Support at (415) 215-1134.
Dear ALRP,

I often wonder about the contents of my file at my doctor’s office where I receive care for HIV. Since the records in my file are about me, can I just ask for the file and take it whenever I choose? What about if I want to change doctors?

Thanks,
Curious

Dear Curious,

Medical records do not belong to the patient, but are the property of the medical provider or facility that prepares them. However, there is a law that establishes your right as a patient to see and receive copies of your medical records. Section 123110 of the California Health and Safety Code requires physicians to allow you to view your medical records within five working days of a written request. The physician must allow you to bring a person of your choosing with you, and you may also designate a representative to view and receive copies of your records. The physician or medical staff may also require you to verify your identity by showing an ID.

If you need physical copies of your records, you should request copies in writing. Most medical facilities will provide you with a records request form that you can complete and return to the facility. The medical facility must provide you with copies of your records within five working days of a written request. The physician must allow you to bring a person of your choosing with you, and you may also designate a representative to view and receive copies of your records. The physician or medical staff may also require you to verify your identity by showing an ID.

If you are thinking about changing physicians, please be aware that the transfer of your medical records to a new physician is considered a professional courtesy and is not required under this law. Most physicians will be willing to send your records to a new medical facility, but there are no time limits on transferring the records. If you want to be sure your new doctor received your medical records, you can request in writing that the records be given to you. Then you can provide a copy of these records to whomever you choose.

Dear ALRP,

I have been diagnosed with HIV and I think my doctor has made mistakes in the care she is giving me. Is there anything I can do?

- Sick in SF

Dear Sick,

There are a few options you can consider. First, schedule a conversation with your physician to discuss your concerns. If you have access to a medical social worker, contact the social worker and ask him/her to be present during the conversation. If you don’t feel that your physician is taking your concerns seriously or if you feel that more should be done to remedy the situation, you can file an internal grievance at the medical facility. All hospitals and doctors’ offices should have a patient relations department, or at least a grievance procedure in place for resolving patients’ concerns about their medical care.

If the grievance does not address your concerns and you are interested in pursuing a civil claim against the doctor or the medical facility, you should seek a consultation with an attorney who specializes in medical malpractice claims. Contact ALRP for a referral to a malpractice attorney who can provide you with a free consultation. During this consultation, the attorney will evaluate your claim and discuss the pros and cons of taking legal action.

If you are not interested in pursuing a civil
Despite this compelling demonstration, the landlord continued to refuse to grant the accommodation. Andrew prepared a final demand letter in an attempt to avoid litigation.

After several weeks, Andrew received a response indicating that Blayne would be permitted to store his chair in the garage. However, the landlord denied Blayne use of the locker he had constructed. Again, Andrew geared up for litigation, but the landlord finally relented and agreed to pay for the construction of a new, freestanding private storage locker.

Blayne now has his mobility back and is thrilled to be able to continue to live independently in spite of his disability. He explains, “Now I’m able to resume my life… I can manage my doctor appointments by actually showing up. With my chair, I can do everything I could before, only quicker. I’m back in business. I’m ecstatic.” He is eternally grateful to ALRP and its dedicated Panel and Staff Attorneys like Andrew Westley and Diana Hughes.

ALRP strongly recommends that you fully pursue all non-legal options before considering legal action or filing an official complaint with the Medical Board of California. For assistance in navigating your way through the grievance process, please contact ALRP at (415) 701-1100.
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Upcoming ALRP Events

FOLSOM STREET FAIR
Sunday, SEPTEMBER 26
Folsom Street, SF
Get your leather on and volunteer with ALRP.

CASTRO STREET FAIR
Sunday, OCTOBER 3
Castro Neighborhood, SF
Come help us collect donations at the Fair gates.

ALRP From the Heart 27th ANNUAL RECEPTION & AUCTION
Wednesday, OCTOBER 20
Bid on great auction items and help us commemorate ALRP’s 27th!

ACADEMY OF FRIENDS OSCAR NIGHT GALA
Sunday, FEBRUARY 27, 2011
Fort Mason, SF
ALRP is a beneficiary of AOF Gala 2011 – stay tuned for more info!