



Panel Attorney Spotlight

Michelle Mandel

ALRP Panel attorney Michelle Mandel always wanted to follow in the footsteps of her father, a successful personal injury lawyer. Through her father's work, Michelle witnessed firsthand the importance of helping people get on the road to recovery.

Not only can traumatic accidents and negligent medical treatment be painful and debilitating, but they can often result in significant healthcare costs and lost wages. In 2000, Michelle joined her father's law practice and since then has helped countless people get back on their feet.

"Unfortunately, a lot of people aren't aware of their rights under the law," says Michelle. "I appreciate having the opportunity to help people from all walks of life understand their legal rights."

After attending a free ALRP MCLE training in 2005, Michelle realized that she wanted

Continued on pg.7

Fragrance-Free Care for Client

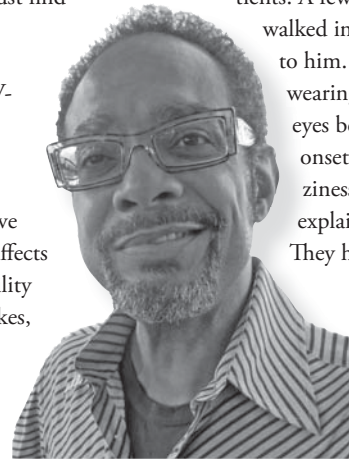
ALRP Staff Attorney helps client breathe easy at the doctor's office

Whenever Stokes first enters a space—the hallways of his apartment building, a city bus, a restaurant—only one thing crosses his mind. "Is this space safe for me?" In most situations, he must find out the hard way.

In addition to being HIV-positive, Stokes suffers from Chronic Obstructive Pulmonary Disease (COPD). This progressive and debilitating disease affects lung capacity and the ability to breathe easily. For Stokes, breathing is particularly challenging in closed spaces where others are wearing perfume, cologne, or scented lotions. If exposed to such products, he experiences immediate nausea, headaches, obstructions to breathing, and difficulty sleeping. These symptoms often persist for hours or even days.

The profound sensitivity caused by Stokes' pulmonary disease is commonly referred to as Multiple Chemical Sensitivity (MCS). Because he has a disabling condition, the Americans with Disabilities Act (ADA) gives him legal protection and specifically states that individuals with disabilities must have equal access to public facilities.

Ironically, access to *medical* facilities has been one of the biggest challenges for Stokes. Although some medical providers have established explicit fragrance-free policies, few administer or uphold those policies.



A recent visit to one of his medical providers typifies Stokes' experience. Upon entering the doctor's waiting room, he chose a seat in the back – away from the other patients. A few minutes later, another patient walked in and sat down in the chair next to him. To his dismay, the patient was wearing a strong fragrance. Stokes' eyes began to water and he felt the onset of a headache. In a state of dizziness, he went to the counter and explained his disability to the staff. They had no idea what to do.

Although trained as a community mediator, his symptoms left him helpless to articulate his needs. Without sympathy or action from the office staff, Stokes informed them that he would be waiting on the sidewalk outside the office.

Disappointed by this episode and others like it, Stokes sought an ally in ALRP. Staff Attorney **Ayako Miyashita** quickly recognized that Stokes' experience represented a significant opportunity for advocacy. Ayako is the Staff Attorney of the **ALRP**

Continued on pg. 7

What's Inside

From the Heart	p. 2
ALRP's Recent Events	p. 3
Law Firm Connections	p. 3
New ALRP Website	p. 4
Ways to Give to ALRP.....	p. 5
Disability Benefits Q&A	p. 6
REAF's Holiday Concert	p. 8

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

OFFICERS

Mark A. Delgado, Esq.
Co-Chair

Hailey R. Hibler, Esq.
Co-Chair

Matthew S. Gray, Esq.
Treasurer

Robert Millar, Esq.
Secretary

MEMBERS

Cathy Blackstone

Jennifer Brown, Esq.

Brandy E. Christensen, Esq.

Sarah J. Givan, Esq.

Cecilia Han, Esq.

Kris E. Kaiser, Esq.

T.O. Kong, Esq.

Kerne H.O. Matsubara, Esq.

Brian D. McDonald, Esq.

Robb D. McFadden, Esq.

Maria Medina, Esq.

Vincent J. Novak, Esq.

Matthew Richards, Esq.

Michelle L. Roberts, Esq.

Austin Schwing, Esq.

David Nathan-Allen Sims, Esq.

Erin Smart, Esq.

Michael W. Stevens, Esq.

Alexander R. Trimble, Esq.

David J. Tsai, Esq.

James M. Wood, Esq.

ALRP Meets AARP

It is true what they say about AARP sending their membership applications right on schedule; they don't miss a beat. Mine arrived in October, just two weeks before I turned 50 years old. AIDS has been here for 30 of those years. While I am deeply aware and appreciative of the many blessings in my life, I can't help but reflect on the loss of friends and colleagues who were dear to me. I think back on those who died too young and how different the world would be if all those bright lights had continued to shine.

Both an opportunity for reflection and celebration, ALRP's 28th Annual Reception in October reminded me of the folks who have been involved with ALRP for so many years. I was humbled to see old friends, several from law school, who have supported ALRP for so long. Their commitment to social justice has inspired me for many years.

As the director of ALRP, it has been a privilege to work with some extraordinarily committed people. I would like to recognize **Tom Nolan**, who is leaving **Project Open Hand** after 17 years as its director. Tom's leadership has transformed many lives and modeled the best in public service. We wish

him well in his next endeavor and thank him for leaving his agency strong and sound.

ALRP is proud to partner with

Project Open Hand and other community-based agencies that continue to meet the needs of people living with HIV/AIDS. We know that our clients need access to a range of supportive services, including legal services, in order to remain healthy. The demand for ALRP's services continues to grow—by over 45% in just the last seven years. With 1 in 36 San Franciscans and 1 in 3 gay men living with HIV, many of these folks are living past 50. Maybe receiving that AARP card isn't so bad, after all.



Steve Collier, Cindy Diamond Brightly, Amy Eskin, Bill Hirsh, Mitchell Shapson.

ALRP Staff

Eric Bull
Office Manager

John Fasesky, Esq.
Staff Attorney

Bill Hirsh, Esq.
Executive Director

Sara Malan, Esq.
Managing Attorney

Jim McBride
Development Director

Ayako Miyashita, Esq.
Staff Attorney

Ana Montano, Esq.
Immigration Attorney

Amy Orgain, Esq.
Insurance Attorney

Dmitri Pikman, Esq.
Staff Attorney

Jaime Rush, Esq.
Housing Attorney

Jennifer Schuster
Volunteer Coordinator

ALRP's Recent Events

2011 AIDS WALK



The enthusiastic ALRP Legal Eagles AIDS Walk Team!

On July 17, the ALRP Legal Eagles AIDS Walk team set new team and fundraising records when 34 team members raised \$13,991 to support ALRP! Special thanks to our Star Walkers: **Ted Garey** and **Robert Millar** raised over \$2,000 each, and **Vince Novak** and **Michael Wilson** raised over \$1,000. Thank you!

UP YOUR ALLEY & FOLSOM STREET FAIRS



ALRP law clerks Stan Sarkisov and Jashoda Kashyap.

On July 31 and September 25, over 80 ALRP volunteers turned out for these fun leather and fetish fairs. With everyone's help, ALRP's first year as a major beneficiary was a tremendous success.



Caitlin Browne, Meaghan Loud, Mystik Miller, and Gemma Ross collect donations at the Folsom gates.

CASTRO STREET FAIR



Annabelle, daughter of ALRP Board Member Michelle Roberts, lends a helping hand and a smile.

On October 2, 25 volunteers gathered on Castro Street to welcome fair-goers and help collect donations.

ALRP FROM THE HEART 28th ANNUAL RECEPTION



SF Supervisor Scott Wiener and ALRP Board Co-Chairs flank the 2011 Annual Reception Honorees.

On October 19, over 300 guests helped raise \$140,000 to support ALRP programs. SF Supervisor **Scott Wiener** presented the *Clint Hockenberry Leadership Award* to **Thomas Burns, Esq.**; *Attorney of the Year Award* to **Austin Schwing, Esq.** of Gibson, Dunn & Crutcher LLP; and *Firm of the Year Award* to **Saveri & Saveri, Inc.**



SF Mayor Ed Lee acknowledges ALRP's service to the community.

PRO BONO CONNECTIONS INITIATIVE (PBCI) HIGHLIGHTS

Hanson Bridgett LLP

Through Steven Miller & Julie Sherman

Assisted two clients seeking lawful permanent residence in the U.S., including a dance instructor who faced persecution as a gay man.

Morgan Lewis LLP

Through Lorelei Craig & Christina Gonzaga

Recently agreed to assist five clients with their immigration matters, including a woman who was a victim of domestic violence in her home country.

Pillsbury Winthrop Shaw Pittman LLP

Through Blaine Green & Rebecca Grey

Assisted a client whose HIV status was disclosed to his father by a government agency. Also helped two clients who faced difficulties with their healthcare insurance.

Reed Smith LLP

Through James Wood

Consulted with a client whose HIV status had been disclosed by her husband's employer.

Ropes & Gray LLP

Through Chris McDermott

Assisted a client with drafting his will and other estate planning documents, and answered his questions about life insurance and burial policies.

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

Holiday Shop for ALRP

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.

Holiday shop for a cause!

SHOP ONLINE & SUPPORT ALRP



www.iGive.com/ALRP

Shop at over 700 brand name
stores this holiday season,
without leaving your home.

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 auto-
matic donation of up to 27%
to ALRP!

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

ALRP Launches New Website

ALRP is proud to announce the launch of our new website at www.alrp.org.

The site offers a fresh look and feel and many new features, including:

- Upcoming events, organized by category and date
- Legal resources for attorneys and clients
- Simple ways to donate or volunteer
- Easily join the Panel online
- Free MCLE training calendar
- Vibrant photo gallery
- Spotlights on the experiences of our extraordinary clients, attorneys, and volunteers

Special thanks to **Sköna Advertising** and **Radical Designs** for their expertise, energy, and creativity in creating our new website. We invite you to visit www.alrp.org today.

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 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.



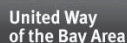
CAR DONATIONS



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) 608-4375, AD-Palo Alto (650) 575-4415, or U.S. Legal Support (415) 215-1134.

More Shopping

THE PERFECT GIFT

Until There's A Cure
"AIDS Bracelet"

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



Visit www.until.org to order or see more bracelet styles. Help ALRP be there for our clients, until there's a cure...



CLEAN OUT YOUR CLOSET

Let your year-end cleaning help ALRP and get a tax break!

Recycle clothing and household items at **Community Thrift Store**.



Simply drop off items at 623 Valencia Street at 17th and list ALRP Code 230.

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

Visit this site for a list of acceptable items:
www.communitythriftsf.org

**ALRP WELCOMES
NEW STAFF
MEMBERS**

John Fasesky, Esq.
Staff Attorney

John comes to ALRP with more than 20 years of experience working in law offices. A recipient of ALRP's



Notary of the Year award in 2001, John has a long history with ALRP. John received his B.S. from the University of San Francisco and his J.D. from the HIV/AIDS Reentry and Empowerment Project at New College of California School of Law in 2001. John brings the valuable perspective of an HIV-positive man to his legal work. In his free time, John enjoys traveling, seeing movies, and going out to eat.

Dmitri Pikman, Esq.
Staff Attorney



Dmitri received his B.A. in Political Science from UCLA and his J.D. from

UC Hastings College of the Law in San Francisco. Dmitri was a member of the International Law Review at Hastings, as well as a member of the Pro Bono Society. Prior to joining ALRP, Dmitri interned at the Eviction Defense Collaborative and worked for the San Francisco Law Library. In his free time, Dmitri enjoys reading fantasy fiction, walking around San Francisco, and sleeping-in on Sundays.

Filing for Long-Term Disability Benefits

By ALRP Law Clerk Nathan Bewley

Dear ALRP,

I am currently employed at Humongous Bank in San Francisco as a teller. My health has been in decline recently and it is more and more difficult to work full-time. I have long-term disability insurance as part of my employee benefits package. My doctor has told me that I need to take a leave of absence, but I'm worried that I'll be denied disability coverage. What should I do?

- *Fatigued*

Dear Fatigued,

If you are considering filing a claim for long-term disability insurance, you should talk to your doctor. Your doctor needs to be supportive of your decision to take a medical leave because the insurance company will request your medical records and may even contact your doctor for an interview about your medical condition. You should also make sure that your medical records accurately reflect the symptoms and conditions that make it difficult or impossible for you to perform your job. It is advisable to write down your symptoms and medication side effects between doctor visits and ask your doctor to make a note of these symptoms in your medical record.

You must also take particular care to describe your symptoms in detail on your long-term disability application. Anyone living with an HIV or AIDS diagnosis knows that the symptoms associated with the disease and treatment can range from manageable to debilitating. It seems self-explanatory that symptoms and side effects can interfere with your ability to work effectively, but when applying for disability, you need to be specific. As an applicant, you have to demonstrate how your disability directly affects your ability to complete the specific tasks which comprise your job.

Disability applications often require you to think about the symptoms and conditions resulting from your HIV/AIDS diagnosis in a new light. When asked to describe how we are feeling, most of us are accustomed to minimizing the extent of medical complications. Talking about your symptoms might feel dramatic or whiny. However, for your application,

it is important to articulate

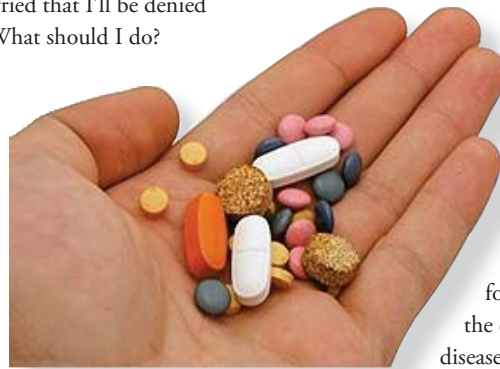
the severity of symptoms when you experience them at their worst.

We recognize that it is uncomfortable to disclose the details of one's disease to strangers. If the standard insurance forms

do not provide enough space for you to describe your symptoms in detail, consider attaching a "disability declaration." This is a written statement that outlines exactly how your medical condition prevents you from working.

Detailing your symptoms can be a time-consuming and unpleasant process. Nonetheless, having a record of how HIV negatively affects your quality of life will be invaluable going forward once you file for disability. Insurance company representatives may want to interview you to ask about your medical condition, and writing down your symptoms in advance can help you prepare. The insurance company will send you forms to complete on a regular basis, and referring to your disability declaration is a time-effective way to complete these forms.

To sum up, the best way to ensure a strong long-term disability application is to have a supportive doctor, maintain accurate and detailed medical records, and provide the insurance company with a written account of exactly how your symptoms and conditions prevent you from working.



Panel Attorney Spotlight: Michelle Mandel

Continued from pg. 1

to extend her practice to help people living with HIV/AIDS. Since joining the Panel, Michelle has helped numerous clients learn their rights and seek redress in personal injury, medical malpractice, and workers' compensation cases.

In her work with ALRP clients, Michelle has demonstrated the value of representing people who are least able to access legal assistance. One such client, a monolingual Spanish-speaking transgender woman, was referred to Michelle for a workers' compensation matter. The client explained to Michelle that while working as a janitor, she fell down a flight of stairs and seriously injured her back. She immediately reported her injury to her boss and sought medical treatment.

Eight months into receiving treatment, the client's insurance company suddenly rejected her claim and denied her benefits. The client was shocked. She feared that her boss had fabricated a story to support the denial because her transgender identity made him uncomfortable.

When Michelle heard about the client's unfortunate situation, she was eager to step in. Michelle successfully negotiated a settlement with the insurance company and secured some compensation for the client. "But most rewarding," Michelle explains, "was helping the client feel that her experience was valid."

Michelle notes that the majority of people who call her office about workers' compensation are like this client – honest and hard-working. There is a misconception that many people fake or exaggerate injuries in the workplace. The actual monetary award in workers' compensation cases is usually very limited. "The real goal is to get people back to work," says Michelle.

While she would like to obtain a remedy for everyone who calls her office, Michelle explains that "the law is not often on the side of the injured party," especially in medical malpractice cases. Although clients may experience a bad result following surgery or encounter a doctor who

is disrespectful, there is not always a legal remedy. The substantial costs to prove a doctor's negligence are also prohibitive. However, Michelle has learned that many people find it helpful just to talk to someone. She frequently discusses alternative resolutions like making a complaint to the medical board. Michelle recognizes that listening carefully and offering practical advice can make a client feel heard and provide peace of mind.

Michelle was raised in San Francisco and is happy to have returned to the city after graduating from McGeorge School of Law in Sacramento in 1999. In her free time, she enjoys spending time with her two young children, Philippa and Ian. They enjoy hiking in the Bay Area and reading books.

ALRP is incredibly grateful for Michelle's work on behalf of ALRP clients. Her commitment to providing compassionate education and legal recourse to injured persons no doubt makes her father very proud.

Fragrance-Free Care for Client

Continued from pg. 1

HIV Consumer Advocacy Project, designed to help clients access publicly-funded HIV/AIDS services.

Importantly, Stokes did not seek to resolve his issue by taking legal action. Instead, he hoped that through mediation and education about his condition, the medical provider would institute lasting change to prevent the same situation from happening to others. Ayako agreed to help Stokes accomplish this goal.

Ayako filed a grievance with the Patient Relations department, which then crept up to the legal department. When they learned that Stokes was protected by the ADA, the provider finally began exploring a resolution in earnest.

First, the provider agreed to enforce the

existing dress code policy, which required staff to refrain from wearing fragrances. Next, they established a fragrance-free policy for anyone entering the office, including patients or visitors. To publicize the new policy, the provider posted signs in each department. In case patients disregarded the policy, the provider even established a back-up protocol. If Stokes came to the office and noticed that fragrances were present, the provider assured him that they would give him a separate waiting room or examination space. Lastly, the provider invited Stokes to approach the legal department if these accommodations failed to provide him with safe access.

As a result of Ayako's advocacy and

Stokes' perseverance, he has noticed a marked increase in his comfort level when attending medical appointments. He finally feels like he can go see the doctor just like anybody else.

This success has encouraged Stokes to engage in further self-advocacy. Recently, he signed up for a weekend-long conference and requested that a fragrance-free policy be instituted. Stokes was thrilled when the conference planners approved his request. Thanks to ALRP, Stokes can access necessary medical services and expand his horizons by enjoying an array of public accommodations. Both Stokes and ALRP are pleased to finally be able to breathe a sigh of relief.



Non-Profit Org
US Postage
PAID
San Francisco, CA
Permit No. 2364

Address Service
Requested



Printing of this issue of *Panel Notes* is made possible through the generosity of



Panel Notes

Volume XIV, No. 2
Winter 2011

Published by the
AIDS Legal Referral Panel
of the San Francisco Bay Area.

Editor

Jennifer Schuster

REAF Holiday Concert & Gala

ALRP is selling tickets! 100% of our ticket sales benefit ALRP



**Richmond/Ermet AIDS Foundation's 10th Anniversary
Help is on The Way for the Holidays AIDS Benefit Concert**

**Monday, December 5, 2011
7:30pm - 10:00pm
Marines Memorial Theater
609 Sutter Street, San Francisco**

ALRP is selling tickets to REAF's holiday concert. 100% of our ticket sales directly support ALRP's free legal services!

Help is on the Way for the Holidays features stars from Broadway, film, television, and the recording industry:

- Mary Wilson • Susan Anton • Sally Struthers • Sheryl Lee Ralph
- Wesla Whitfield • Loretta Devine • Paula West • Von Smith • LaToya London
- David Burnham • Amanda King • Shawn Ryan • Cast of Xanadu

Performance tickets are \$40 and \$60.

Underwriter tickets start at \$100 and include a Post-Performance Dessert & Wine Party with the cast.

Tickets can be purchased at www.helpisontheway.com or by calling (415) 273-1620.

Please mention or list ALRP when ordering your tickets.

1663 Mission St., Ste 500	San Francisco, CA 94103	VOICE: 415.701.1100	FAX: 415.701.1400	info@alrp.org	www.alrp.org
---------------------------	-------------------------	---------------------	-------------------	---------------	--------------