

PANEL NOTES

Volume VIII, Issue 1, June 2000

AIDS Legal Referral Panel

ALRP Welcomes Bill Hirsh, New Executive Director

“The epidemic is not over; the need to protect the legal rights of people affected by HIV/AIDS has not ended.”

The Board of Directors of the AIDS Legal Referral Panel announced that longtime disability rights attorney, Bill Hirsh, has been named Executive Director of the agency. Bill has over ten years of community based nonprofit experience with organizations, most recently serving as Executive Director of the Mental Health Association of San Francisco. He has also been a welfare rights attorney and directing attorney for the Mental Health Advocacy Project of the Santa Clara County Bar Association.

Bill first encountered the AIDS Legal Referral Panel in 1986 as a new Golden Gate University Law School graduate. “During the early years of the AIDS epidemic, ALRP operated out of a cubicle in an agency where I was interning. There was an urgency to ALRP’s work. The Wills on Wheels program brought attorneys to the bedsides of persons unlikely to survive their hospital stay.” Bill continued, “I was trained by ALRP to draft wills; now I have the opportunity to lead an organization assisting clients in the full range of civil legal issues people living with HIV confront. Housing, healthcare insurance, employment and family law matters have moved to the forefront of the legal arena for ALRP clients, and ALRP’s legal services have expanded to meet the needs of our clients. The epidemic is not over; the need to protect the legal rights of people affected by HIV/AIDS has not ended.”

Bill is a thoughtful, very upbeat individual who has a unique charm all his own. Preferring Birkenstock sandals, Bill is a casual, down-to-earth guy. He and his “handsome” (Bill said to say this) partner live in Bernal Heights, where Bill pursues a newly found interest in gardening. Co-parenting his six year old son, Jesse, keeps Bill even busier, while



*Bill Hirsh
photo by Jane Cleland*

giving him great joy. Bill also revels in folk music (especially if it is performed live), and the occasional Dragapella concert. He visits his “favorite spot on earth,” Steep Ravine near Stinson Beach, whenever he wants to really relax.

You may contact Bill directly by calling (415) 248-3974. Although Bill describes himself as “computer-challenged,” you may also e-mail him at bill@alrp.org.



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Protecting and advancing the rights of people with HIV, the AIDS Legal Referral Panel provides free and low-cost legal services, and has an active public policy program. To volunteer, e-mail ross@alrp.org or call (415) 291-5454.

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Insurance Attorneys Persevere

In Response to Claims Crisis

Insurance company claim denials against persons living with HIV/AIDS are on the rise again. And sometimes these cases require real stamina from the attorneys representing ALRP clients. Several Panel members have helped clients for close to 6 months or more while insurance companies tried to duck their responsibilities to disabled policy holders.

Special acknowledgement and congratulations to **Janice Bressler, Harold Kahn, Larry Mercer** and **Andy Miller** who hung in there for

the long haul. Thank you to all of our insurance attorneys, from ALRP and their clients as well.

For a number of reasons, insurers are pushing harder than ever to keep our clients from receiving benefits. Of course, most cases demand far shorter time commitments than 6 months. **ALRP needs more attorneys who can apply their legal knowledge to this crisis.** We provide mentors, and will offer a free MCLE training by the end of the summer. Call ALRP's Volunteer Coordinator at (415) 248-3972 for further details.

Meet Our Volunteer Coordinator



F. Ross Woodall

F. Ross Woodall has just joined ALRP as the new Volunteer Coordinator. Ross will be working with and recruiting our volunteer attorneys. He is also the editor/publisher of ALR's quarterly newsletter, "Panel Notes."

In May of 1994, while the Director of

Operations of a corporate travel management firm, Ross was diagnosed with AIDS and was forced to retire. After one month of retirement, Ross began volunteering at the San Francisco AIDS Foundation (SFAF). At SFAF Ross has assisted on the distinguished AIDS journal, *BETA*, and coordinated over 500 volunteers for a classical music fund-raiser. For six years, Ross has guided callers on the California AIDS Hotline, and is a frequent presenter for SFAF's Speakers Bureau. He is currently in his second year as a member of the SFAF Board of Directors, serving on the Executive Committee, and as Chair of the Committee on Directors.

Ross is believed to have been HIV+ for 20 years. Because of an AIDS complication, Ross is now legally blind. Even this has not deterred his passion for life.

"A Texan by birth, but a Californian by choice," Ross happily and proudly calls San Francisco his home. Ross shares his private life with his loving, steadfast and HIV-negative spouse of nine years, Danny.

Call Ross at (415) 248-3972, or by e-mailing him at ross@alrp.org.

ALRP has New Office Manager

John Polanco moved to San Francisco in 1998, and became active in the gay, lesbian, transgender communities. John's HIV-related work experience includes previous employment at the Gay & Lesbian Center in Hollywood and Ward 86 in San Francisco, and numerous volunteer activities for programs including Project Angel Food, Project Open Hand, L.A.M.P. and City of Refuge.

"I'm single, cute, intelligent, and love to organize the office and files," says John. He enjoys spending quality time with good friends, softball, soccer, swimming, writing poetry, Broadway theatre and occasional weekend trips out of the City. John saves all year to go "somewhere special" for vacation.



John Polanco

Clients' Housing Woes Increase

ALRP Housing Attorney Joyce Jordan

Things are really changing in the ALRP Housing Advocacy Project. The Project now has two full-time staff attorneys, Aleem Raja and Joyce Jordan, who represent clients in litigation of housing matters. The Project's focus has primarily been on eviction defense, but we are eagerly gearing up for filing our first affirmative action. In that case, the ALRP is ready to file suit against a landlord who has refused to recognize a couple's domestic partnership and is proceeding with an eviction based on allegations that the partner is an unauthorized sub-tenant.

Each week, we get calls from at least a half dozen new callers who are facing eviction. In recent weeks we have seen a rash of Ellis Act evictions, for which there is arguably no substantive defense. These evictions are in response to an anticipated change in the current law that allows owners to "Ellis" a multi-unit building off the rental market and then sell the building as a tenancy-in-common. Individual buyers form groups of "tenants in common" who will each live in a unit in the building.

This practice may abruptly come to an end in November when a ballot measure is put before San Francisco voters that would force the owners of an "Ellised" building to comply with the City's current condo-conversion requirements such as a lottery selection process.

Under most circumstances, an owner is required to serve a 120 day notice to quit under the Ellis Act. Landlords have been rushing to serve these notices so they can empty their buildings and benefit from the soaring prices of San Francisco real estate before the rent ordinance is possibly changed as a result of the November election. Recently, a tenant showed me a realtor's advertisement listing the sale prices of all the flats in his building. Bids starting at \$385,000 are currently being taken for this tenant's two bedroom flat in the Western Addition! In an interesting twist, because this client is disabled, the Ellis Act provides an extension of the notice period for one year — well past the November election. Most likely, the landlord will be offering a hefty figure for this gentleman's moving expenses in the near future.

Other cases that the Housing Project sees quite often are cases where a client with mental disabilities has received an eviction notice based on nuisance. Often this behavior is a direct result of the client's mental disability and could have been prevented with proper mental health care.

A recent case involved allegations of a client going into the wrong apartment and into the bed of an elderly neighbor because he was intoxicated. After months of litigation and negotiating, the landlord reluctantly agreed to reasonably accommodate this client's disability. It was shown that the client was not taking his prescriptions for his mental health problems but was self-medicating himself with alcohol instead. The parties agreed to the accommodation of allowing the client to begin a mental health program including the medications he had previously been on and regular psychological therapy sessions.

As you can see, landlord-tenant issues are a very interesting and volatile area of law in San Francisco at this time. Each day the Housing Project gets calls from new clients facing homelessness. In March, a list of current evictions and affirmative actions available for referral was e-mailed to the panel attorneys listed with the ALRP as landlord-tenant attorneys. As a result, all but the "man in the bed" case described above were referred out with successful results for each client. A new e-mail with housing cases available to

panel attorneys will soon go out. If you are interested in receiving this list, forward your e-mail address to joyce@alrp.org.

"The Project's focus has primarily been on eviction defense, but we are eagerly gearing up for filing our first affirmative action."

The September 2000 issue of "Panel Notes" will feature a profile and photo of our new housing attorney, Aleem Raja. Don't miss it! Reserve your copy now!

**Want to
Contribute to
PANEL NOTES?**

**Contact Ross
at 415-248-3972
or ross@alrp.org**

*What
Clients
are
Saying
About
You...*

ALRP Clients Tell it Like it is

I feel good that I now have an up-to-date will. Mr. Block did a wonderful job in providing me with an excellent will.

—will client of Jonathan Block

I am now in a wonderful, adorable new place, and I actually may be able to take a vacation for the first time in years. Thank you so much for the invaluable service you provided me...I can't even begin to tell you how wonderful [Nancy] was and how this helped alleviate some of the major stress I was going through. She and Salvador both were prompt, responsive, courteous, and I felt they genuinely cared about me and my situation. Thank you so much!

—landlord/tenant client of Nancy Lofdahl

Life is good. Thank you.

—will client of Roger Gross

Very kind, compassionate lawyer. Thank you for being there.

—credit client of Jim Berner

Now I can relax...ALRP has helped me before and it has always been a positive experience. The attorneys have been top notch and treated me exceptionally well.

—will & dpabc client of Nancy Lisewski

A burden has been lifted. **Dolores Chong** is excellent!

—credit client

The service was excellent. Kevin was so wonderful and understanding. Very helpful and made me feel comfortable and safe.

—client of notary Kevin Voccia

Harold Kahn: a superior support system and person.

—insurance client

Relieved financial stress. **Pat McMahon** was excellent! Nice guy and very thorough.

—credit client

Your staff has been very helpful in referring me to an excellent attorney.

—conservatorship client of Catherine Trimbur

I have been able to change my will and power of attorney to fit my needs. The counsel was wonderful. I could not have asked for a more professional, punctual, caring person. Thank you 100 times over.

—will client of Eve Contente

Carol calmed me. I have confidence in her ability to work through this complex issue.

—real estate client of Carol Gee

It is extremely comforting to have an agency like ALRP available to help in the preparation of documents which are, by nature, emotionally difficult to do. I want to take this opportunity to openly thank, as well as commend, the attorneys for making themselves available to people like me. Her services were once again extremely professional and efficient.

—will client of Pauline Sloan

News from Washington and Sacramento

Public Policy Director Eileen Hansen

ALRP CONTINUES TO FIGHT FOR THE RIGHTS OF PREGNANT WOMEN AND CHILDREN - AND THUS FOR US ALL

California Legislation

In February of 2000, AB 2809 (Robert Pacheco-R, Walnut) was introduced in the California Legislature that would have made testing of pregnant women “routine” during prenatal care and during labor and delivery. *No counseling* would have been provided and women would have merely had the right of refusal, with *no informed consent* (unlike most other classes of individuals in California). While California currently does not report cases of HIV, this bill would have also authorized the *reporting of names* of pregnant women to the State Department of Health Services. The bill — sponsored by the California Medical Association (CMA) — would have repealed current law, which mandates prenatal care providers to *offer* HIV information, counseling and testing. This, in spite of the fact that from the date at which current law was implemented (1996) through 1999, perinatal AIDS cases diagnosed in California have dropped by 78%, and according to the State Office of AIDS, the total number of cases of perinatally acquired AIDS diagnosed in California in 1999 was seven (7).

Upon introduction of AB 2809, ALRP’s Public Policy Director immediately began organizing throughout the state to educate the HIV community, legislators and other policy makers as to the critical problems of the bill. From forming a coalition effort to working with the statewide California HIV Advocacy Coalition (CHAC), to training women with HIV to speak to the Legislature, ALRP was instrumental in creating strong and vocal opposition to this attempt to give pregnant women with HIV fewer rights than others with HIV and to open the door — for us all — to HIV name reporting and a reduced focus on the importance of HIV counseling, along with our right to written, informed consent. When the bill was heard in its first committee — the Assembly Committee on Health — proponents and opponents were requested to negotiate a compromise. Subsequently, a meeting was held and, with the assistance of Members of the Committee and their staff, a compromise was hammered out and later proposed to the Assembly Health Committee. The Committee unanimously passed the amended version and the bill is now moving through the legislative process.

In its amended form, the bill *retains* current

law and *modifies* it by specifically offering HIV testing and counseling not only during prenatal care, but again during labor and delivery. Because the sponsor of the bill, the CMA, believes that providers are not following current law, the bill also authorizes a form to be developed that would be used for the patient to note that she had, in fact, been offered counseling and testing. In addition, the form would be used for the woman to give her written consent, should she desire, after being counseled, to be tested for HIV. *ALRP has removed our opposition to the bill.*

Since 1996, perinatal AIDS cases in California have dropped by 78%.

Federal Legislation

At the federal level, in May, Representative Ackerman-D, of New York, and Representative Coburn-R, of Oklahoma, introduced HR 4426, the “Women and Children’s HIV Protection Act of 2000.” In an ominous reminder of the struggle with the Reauthorization of the Ryan White CARE Act in 1996, this bill

would again keep Title II funding out of states that do not mandate the testing of newborns whose mothers were not previously tested during prenatal care. The strategy used in 2000 by Representatives Coburn and Ackerman has been to keep this agenda out of the CARE Act, to work with HIV policy advocates to create a “reasonable” CARE Act that advocates might be able to support and then to drop this bill during the CARE Act process. It remains to be seen whether HIV policy advocates will fight this bill as powerfully as they are currently fighting for a solid CARE Act. ALRP is organizing nationally to defeat this bill and to keep it from being attached to the CARE Act Reauthorization. To date, only a handful of women and HIV advocates have yet joined us in tackling this bill.

CARE Act Update

Meanwhile, the Care Act (S. 2311) has gained broad bipartisan support in Congress and was unanimously approved by the Senate Health, Education, Labor and Pensions (HELP) Committee in April. While the number of Senate co-sponsors of the CARE Act continues to grow, Senators Feinstein and Boxer have still not signed on as of the date this newsletter goes to print.

California Budget Update

Governor Davis recently released his revised State Budget, based on a projected \$12.3 billion surplus. However, the Governor did not include any new funding for HIV programs. The California HIV Ad-

Public Policy Notes

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Thank You, Jim Kellogg

The staff of ALRP extends its sincere appreciation to Jim Kellogg who served as Interim Executive Director from December 1999 to March 2000. His articulate, intelligent and witty leadership fostered the work of ALRP through a time of transition.

Jim was an honored New Orleans attorney before moving to San Francisco 18 months ago. His professional experience with HIV/AIDS, employment discrimination and mental health issues, earned in part as the founding chair of AIDS Law of Louisiana, served ALRP well during his tenure.

At present, Jim is writing a novel. Set in New

Orleans in the time from Anita Bryant to AIDS, Some of Them Sparkle will tell stories of the wonderful and colorful people of that city. With Jim's marvelous storytelling abilities, it is sure to be a best seller.

The best of luck, and thank you, Jim.



Jim Kellogg (r) with The Kinsey Sicks' Trixie

Katzin Honored

(Reprinted, with permission, from "The Bar Association of San Francisco" newsletter dated May 16, 2000.)

The Volunteer Legal Services Program salutes Larry Katzin for his volunteer work with the AIDS Legal Referral Panel (ALRP). Since joining the Panel in 1992, Larry has assisted over 50 clients in legal matters, primarily with wills and durable powers of attorney.

Providing assistance to ALRP clients has offered Larry a welcome change of pace from his regular duties as a litigator with Morrison & Forster. According to Larry, "When I work for ALRP clients, I get to work not only as a lawyer but also as a social worker and a counselor. I get to share my true bedside manner, instead of my litigation face. I really appreciate the opportunity to translate the law into something that a lay person can understand."

"People who are newly diagnosed with HIV find that having a will gives them more control over their lives and general peace of mind," said Larry. Many times Larry has prepared wills for clients who are very sick, often unable to leave their beds. Larry continued, "Sometimes clients are truly confronting the end of their lives for the first time. For very sick clients, it seems that after they feel that their affairs are in order, they can finally let go with some relief."

ALRP provides pro bono and low fee civil legal representation to people with HIV throughout the Bay Area.

Public Policy Update

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vocacy Coalition (CHAC), of which ALRP is an active member, advocated strongly for an increase in the budget of \$14.8 million and was successful in moving both the Senate and Assembly Budget Committees to approve expanded HIV funding. CHAC advocated for \$8 million to expand services for communities of color; \$2.8 to develop and implement a non-name based HIV reporting system; \$3 million for HIV drug resistance test-

Interns Rule

It is ALRP's great fortune to have two interns assisting us this summer. They are assisting our staff attorneys in myriad ways allowing the attorneys to be even more effective than usual. Thank you, Jennifer and Chandra!

Jennifer Kim, a graduate of UC Berkeley, wanted to return to the Bay Area for her internship. For several years, Jennifer was a volunteer delivering groceries to persons living with HIV/AIDS. With her interest in helping those affected by HIV/AIDS, it seemed natural that ALRP would be her summer intern home. In her third year of law school at Villanova University, this Diamond Bar, CA native is planning to pursue an MBA. Previously, she has played "Mickey Mouse" at Disneyland.

A graduate of Colorado State University, Chandra Miller wanted to intern in a venue that serves public interests. She met ALRP's Betsy Johnsen at a Public Interest Fair, and decided that ALRP was the best place to spend her vacation. A native of Marysville, CA, Chandra is in her second year of law school at Golden Gate University. Reflecting on how mentally draining her first year of law school was, Shandra said, "One day, I want to develop a more holistic approach to law school."

ing; and \$1 million to increase and improve partner counseling and referral services in targeted counties. With most of these increases approved by the Committees, ALRP will continue to work with CHAC to ensure that the \$14.8 million in expanded HIV funding is maintained throughout the legislative process and ultimately approved by the Governor.



San Francisco's Pride Parade is June 25 ALRP Will Pour Suds and Raise \$\$\$

Have a yen to tend bar? Then get out of the maddening crowd! Join ALRP on Pride Sunday as we operate – and benefit from – a beer booth. We'll be serving suds (and bottled water) to the thirsty thousands at San Francisco's 30th Anniversary Pride Parade. Volunteers are needed for the very busy 1-4:00 pm and 4-6:30 pm shifts. Call John at (415) 291-5454 to sign-up. Twenty-one (21) and over only, please!

A Grand Night at the Herbst Theater

In a benefit performance for ALRP, **The Kinsey Sicks**, *America's Favorite Dragapella Beautyshop Quartet*, performed to a sold-out house at the Herbst Theater. The performance and reception that followed



Winnie and friend

raised \$18,000 for ALRP legal services. Though someone who looks suspiciously like him was performing on-stage, retiring ALRP Executive Director Irwin Keller seemed to be a no-show. He did, however, put in an appearance at the reception. Heartfelt farewells were shared and a portrait of Kinsey Sicks coloratura baritone and musical arranger Winnie was presented to Irwin(nie.)



The Kinsey Sicks

The Kinsey Sicks keep promising to leave for New York City. But in the meantime, you can catch their show at the New Conservatory Theatre Center on selected evenings through July 4. Call (415) 861-8972 for tickets to *New York or Bust*. Why does the group keep torturing the public with promises of an imminent Off-Broadway run? Why haven't they left yet for New York? "As long as our loyal fans and their freshly-duped friends are willing to see us in S.F., we cannot in good conscience abandon them," the group explained. "Besides, our producers are still waiting for a theater to open up in NYC. When that happens, S.F. is toast."

THE UNITED WAY



Please designate
AIDS Legal Referral Panel
#3402



in United Way campaigns throughout the Bay Area.

You can contribute to ALRP through all Bay Area workplace campaigns. If you participate in a government employee or other campaign, you will find ALRP's designated number in the campaign directory of non-profit organizations.

Questions? Call ALRP at (415) 291-5454.

Join Us for a Stroll in the Park



On Sunday, July 16, the 14th annual AIDS Walk will take place in Golden Gate Park. ALRP will receive a \$25,000 grant from the walk, and we're putting together an ALRP Team to support this community-wide effort. Join us! Spread the word within your firm and among your friends. Last year 27,000 people sought sponsorship from friends, family, co-workers and neighbors for this 10K (6.2 mile) walk. Their stroll through the park raised over \$3.7 million dollars.

Put away your lawyerly attire, and put on an



AIDS WALK
SAN FRANCISCO
SUNDAY JULY 16
2000
GOLDEN GATE PARK

I walk because...

AIDS is NOT Over!

SPONSOR ME!

ALRP team t-shirt. Pre-registration is required! Join ALRP's AIDS Walk team effort by calling John at (415) 291-5454. Have a heart...improve your heart. Join us for the 14th Annual San Francisco AIDS Walk.

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