LEGAL AID JUSTICE CENTER

2011 ANNUAL REPORT

A CASE FOR EQUAL JUSTICE FOR ALL VIRGINIANS
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OVER THE PAST YEAR, A LOT HAS BEEN SAID ABOUT SOCIAL AND ECONOMIC INEQUALITY.

Organized protests and occupations have drawn attention to institutionalized disparities around the world. While the primary focus of these demonstrations has been on financial institutions, the Legal Aid Justice Center looks at societal inequities more broadly, and has been doing so for 45 years.

Clearly, we are not alone in our concerns. Social action has intensified the conversation and made it a global topic, but justice and equality have always been a human concern in one respect or another. The support of conscientious individuals and organizations enables the Legal Aid Justice Center to do two important things in the fight against injustice and inequality:

• We provide immediate help to real people with real problems, and
• We root out and combat policies and laws that perpetuate socioeconomic imbalances.

This report contains stories—of people who needed assistance and of the people who cared enough to help them. Because you care about justice, this report is also your story. By volunteering your time, by paying attention, by carrying on the conversation, and by supporting our efforts, you help to correct societal imbalances here in Virginia. That’s important.

What you may not know is that the Legal Aid Justice Center is also a national model of effectiveness. Without a superb and dedicated staff and an engaged community of support, this would not be the case. You deserve credit for our successes, and we thank you for helping us to help those who need it the most.

We hope you are inspired by what you see in these pages and that you understand the impact we are making together, in the name of equality and justice.

Alex R. Gulotta  
Executive Director
For some, it is an everyday struggle to stave off unfair and illegal economic practices—mechanisms that trap them in cyclic poverty. The Legal Aid Justice Center represents clients in employment, benefits and consumer cases, and helps people understand their rights and gain access to resources through education and outreach.

We work to help low-income Virginians achieve and maintain economic stability. Our efforts include promoting fair wages and employment practices, and helping clients obtain unemployment and other public benefits. We also protect elders from financial exploitation and defend immigrants’ access to employment.

Education is a key component, which is why we regularly conduct community outreach. To combat institutionalized injustice, we advocate on behalf of those who lack the means to fight legal battles on their own, and we work to build political support for workers’ rights and protections for all under state law.

**ECONOMIC STABILITY**

**HIGHLIGHTS**

- Recruited 64 lawyers, engaged 35 law students and represented more than 130 cases through the Access to Justice Partnership. This alliance with the Central Virginia Legal Aid Society, the Charlottesville-Albemarle Bar Association and U.Va.’s School of Law delivers pro bono legal services for low-income families.

- Helped dozens of low-income claimants through the Richmond Unemployment Insurance Pro Bono Project. With flagship support from Marks & Harrison and additional volunteer attorneys, this effort has resulted in tens of thousands of dollars in unemployment claims reaching Richmond-area families hit by job loss.

- Added two attorneys and two community organizers to our Falls Church office in the past year, greatly increasing our outreach capacity and ability assist low-income clients in Northern Virginia. Our staff focuses on wage claims, immigration issues, housing and other civil matters.

One missed paycheck can send a low-income family into a financial tailspin. We make sure people get paid for their work.”

CHARLOTTESVILLE ATTORNEY TIM FREILICH
ENSURING FAIR WAGES FOR HONEST WORK

A homeless man with declining health went to work for a subcontractor who was hired to do demolition work at the conversion of the former Brown & Williamson tobacco factory in downtown Petersburg. The man worked in alternating two-week cycles beginning in the fall into the following summer. At the end of a two-week cycle in June, the employer failed to appear on payday as expected.

The following day, the worker contacted his employer about his paycheck and was asked to continue working. He was also told that his pay would be “caught up” at the end of the next cycle. He worked an additional two weeks at the site, but again his employer failed to show up as promised on the next payday. The worker then learned that his employer had been released from the project by the general contractor.

The client filed a wage claim with the Virginia Department of Labor, and when the employer failed to respond to the department’s requests, he contacted our Petersburg office for assistance. We filed a claim on his behalf based on violations of the Fair Labor Standards Act, Virginia’s Minimum Wage Act and a breach of contract. The court awarded a judgment in favor of the client, which included an award for liquidated damages based on the employer’s willful violation of federal law.
Everyone should have access to affordable, quality housing and feel safe in their homes. Instead, vulnerable people endure substandard conditions, eviction, foreclosure and barriers to accessing public housing or vouchers. They also sometimes face illegal utility fees and rent-collection practices.

In defense of our clients, we advocate for quality affordable housing and responsible redevelopment. We protect homeowners from fraud and foreclosure. And we work to prevent homelessness and to advocate for housing availability for vulnerable populations.

Healthy living conditions are also essential for clients who live in institutional settings such as nursing homes, mental health facilities and prisons. The Legal Aid Justice Center helps to ensure safe and healthy living conditions for adults and children in institutional settings.

HIGHLIGHTS

• After a four-year legal struggle, restored home ownership for a client. Our client came to us after receiving an eviction notice on a home she thought she owned. We reestablished mortgage terms and collected damages and fees to correct the illegal transfer of the title to her home.

• Helped develop a survey and conduct two focus groups to measure public housing resident satisfaction in Charlottesville. Working closely with the Public Housing Association of Residents, our community organizing staff addressed needs and concerns of the public housing community. This project ultimately benefitted more than 900 area residents.

• Halted a home foreclosure for an elderly gentleman who contacted our Petersburg office. Our client had received a loan commitment through HUD’s Emergency Home Loan Program, but the bank would not delay foreclosure proceedings, despite the promise of forthcoming payments. We intervened to stop foreclosure in time for the loan to arrive, and our client was able to remain in his home.

Housing is the biggest single living expense for most of our clients. Advocating for safe and stable housing is an essential service we provide.”

CHARLOTTESVILLE ATTORNEY BRENDA CASTAÑEDA
RELIEF FOR FLOOD VICTIMS

In September 2011, Tropical Storm Lee caused major flooding at the Holly Acres Mobile Home Park in Woodbridge, Virginia. Floodwaters rose so rapidly that several swift water rescues at Holly Acres were necessary, and most of the resident families lost their homes and most of their belongings.

Within the week, the Legal Aid Justice Center sent a crisis response team to assist about 65 predominantly Latino families left without homes—offering the displaced families compassion, information and legal advice.

Prince William County quickly condemned many of the homes and determined that none of the units could be rebuilt. The owner of the park appealed this determination and won at the Board of Zoning Appeals—a decision the county is appealing. The park owner subsequently filed a complaint for $8 million against Prince William County for negligence in failing to address conditions alleged to have caused the flooding and for prohibiting Holly Acres from rebuilding.

The Legal Aid team currently represents 49 of the families and has helped them recover half of their security deposits from the landlord. Many legal hurdles must be cleared before the displaced families can hope to return to the quality of life they enjoyed before the floodwaters struck. The Legal Aid Justice Center recently partnered with Pillsbury Winthrop Shaw Pittman LLP to further assist in this effort.
QUALITY OF HEALTH

Access to affordable, quality healthcare is essential to the physical well-being of families and individuals. Lower-income people face greater challenges accessing mental health services and community-based care. The Legal Aid Justice Center works to improve the quality of residential and institutional care for vulnerable populations. We do everything from conducting community outreach and education concerning healthcare rights and options to representing clients in public benefits and institutional conditions cases. Ultimately, we address specific claims and broader systemic issues with local, state and federal agencies to empower client communities and partners to shape healthcare reform and implementation efforts.

Without access to healthcare, a catastrophic event can mean financial ruin. Our job is to ensure that a health crisis doesn’t become a life crisis.”

CHARLOTTESVILLE ATTORNEY CLAIRE CURRY

HIGHLIGHTS

• Led a national alliance of elder advocates to fight the use of chemical restraints and overprescription of psychotropic drugs in nursing homes. Our elder advocates educated consumers and proponents about the issue and pushed for stronger regulation and increased enforcement of existing laws.

• Following the passage of federal healthcare reform, supported health system reforms in Virginia that would benefit our low-income clients. Our advocates assisted with the preparation of amicus briefs in significant pending cases, filed comments to proposed segments of Virginia’s healthcare legislation and testified before the Virginia Health Reform Initiative Advisory Council.

• Secured Medicaid approval for a cancer patient in desperate need of a bone marrow transplant who sought help through the Medical Legal Partnership in our Petersburg office. Without insurance, the bone marrow team would not even consult with her.
FOCUSBING ON RECOVERY

After retiring from the U.S. Air Force, Carolyn opened a day care center in her home. She was financially independent, owned her home, and enjoyed a good credit rating. However, she did not earn enough through her business to be able to afford a healthcare plan. She was one year short of eligibility for Medicare, but unfortunately for Carolyn, cancer didn’t wait until she was 65.

Carolyn’s diagnosis required surgery, radiation, and chemotherapy. Facing a life-threatening illness and no longer able to work, her earnings came to a halt. Carolyn applied for Medicaid and charitable care, though even with the help of a friend who was a nurse, she was denied eligibility. The medical bills started piling up, eventually exceeding $170,000, and Carolyn needed help.

With four collection suits pending against her, Carolyn found she was having a difficult enough time waging a battle against cancer without having to fight a battle with billing agencies too.

Fortunately, Carolyn was introduced to the Legal Aid Justice Center. Her advocate helped her navigate the maze of rules and regulations required to reapply for assistance. Carolyn was awarded benefits, and the lawsuits were dropped when Medicaid began paying for her medical care. Help from the Legal Aid Justice Center allowed Carolyn to focus on her recovery instead of spending precious energy worrying about paying her bills.
Although every child in Virginia has a constitutional right to an education, many do not receive one that prepares them to participate meaningfully in the workforce or as members of their communities. Our clients often face barriers to school enrollment, lack of access to high-quality early educational opportunities, inappropriate educational programming and placements, exclusion from school or placement in inferior settings. These policies and practices exacerbate alienation from school, reduce contact with supportive adults and limit learning opportunities.

The Legal Aid Justice Center advocates for improved educational outcomes for vulnerable student groups, expanded access to quality preschool programs for low-income children and prevention of students entering the school-to-prison pipeline. We work to create assurances that students graduate from high school ready for college, career and life.

HIGHLIGHTS

• Eliminated unlawful school fees and worked to ensure that nearly half a million children from low-income families in Virginia would be able to participate in school activities. Final regulations approved by the Virginia Board of Education will prevent public schools from charging fees for instructional programs. Fees for optional activities and “consumable materials” must be accompanied by a clear fee waiver policy for students facing financial hardship.

• Re-enrolled two children in a Petersburg area school. After becoming homeless and moving into temporary living quarters in a new school district, neither the old nor new districts would enroll the children. We intervened, and the original school district re-enrolled the children.

• Released a report, “Educate Every Child,” examining discipline in Virginia schools. Among the many findings were that suspensions and expulsions result in lower achievement rates; increase dropout rates; and disproportionately affect minority students, those with emotional and behavioral disabilities and the economically disadvantaged.

PETERSBURG ATTORNEY NICOLE DOOLEY
DESERVING STUDENT GETS SECOND CHANCE

In the summer of 2010, James* was the victim of a crime. A few weeks later, another student at his school teased him about this traumatic event. The two students engaged in a minor physical altercation, during which an intervening teacher was struck on the shoulder. James was subsequently expelled for assaulting a teacher and disorderly conduct. James received no educational services for 440 days.

The Legal Aid Justice Center first represented James at an eligibility meeting for special education services. Because he had previously been found ineligible, we helped him secure an independent educational evaluation. With the help of this evaluation, James was found eligible for special education services as a student with a learning disability. By this time, he had relocated to another school district, which had intended to uphold the expulsion of the original district.

We requested a hearing and won James admission to regular school programming in the second district. James did well in this second district, and he recently returned to school in the county that had originally expelled him. James lost more than a year of schooling during his expulsion ordeal. Today, teachers describe James as “respectful” and “an excellent student,” and James is happy to be back with his friends in his original school pursuing his diploma.

*The name “James” is an alias created to protect the student’s privacy.
Race and ethnicity still pose issues in Virginia. Virginia’s history has led to institutional, structural, educational and social barriers that affect our client communities. As Virginia’s ethnic-minority communities grow, so do the possibilities for individuals to encounter instances of prejudice. Our job is to address specific claims as well as broader systemic issues with state and federal agencies, school systems, and other institutions.

The Legal Aid Justice Center conducts a number of activities to promote racial and ethnic equality. We defend the civil rights of immigrants, organize communities to address unjust laws and policies that sustain racial inequities, examine language access issues in schools and government agencies, and work to reduce educational disparities for racial and language minorities.

HIGHLIGHTS
- Participated in a coalition backing the proposed Charlottesville Commission on Human Rights, Diversity and Race Relations. The city is considering setting up a diversity commission with powers to investigate claims of racial discrimination, hold hearings, impose penalties on offenders and make permanent the outreach and education efforts of the city’s Dialogue on Race.
- Reported on the disparities of disciplinary action for students of color. Our “Educate Every Child” report found that students of color, particularly black males, are disciplined at greater rates and receive harsher punishments than white students exhibiting similar behavior.
- Coordinated a day of education and advocacy in Arlington County. A diverse group of more than 200 immigrant community leaders and advocates from around the state came together to learn about the issues facing Virginia’s immigrants today.

With Virginia’s sordid history of race discrimination, we repeatedly question if the legal harms our clients face are lingering effects of centuries of discrimination.”

LITIGATION DIRECTOR ABIGAIL TURNER
LATINOS AND POLICE ESTABLISH DIALOGUE

In early 2011, the Charlottesville-Albemarle Latino community noticed an alarming increase in the number of immigrants deported as a result of interactions with local police. A growing mistrust of the local police permeated the community.

We organized a public dialogue between Latinos and the new Albemarle County chief of police to address concerns and repair the relationship with law enforcement. The dialogue allowed the police chief to introduce himself to the Latino community, while providing a forum for attendees to voice concerns and ask questions.

Despite the community’s initial hesitation, our extensive planning and outreach brought forth a crowd of more than 350 to pack the hall where the event was held. Dozens of Latino residents addressed the police chief with their concerns, and plans were made to continue dialogue to build mutual trust and respect.

A follow-up event several months later with Charlottesville’s chief of police also provided lively and candid dialogue between local Latinos and the police chief. The conversation between the chief and a smaller group of community members has continued as a result. Both of these events were facilitated in conjunction with a law enforcement working group from Creciendo Juntos, a local Latino rights coalition.
 Clients come to us when they face risks to their physical security and personal stability—at work, home, school and in institutional settings. Additionally, immigrant clients face particular hazards to security based on policies and misperceptions related to their immigration status.

We engage in a wide range of activities to promote the personal safety of at-risk individuals. This includes our work to preserve independence and autonomy for the elderly, as well as to advocate for safe and humane care. We also strive to ensure that youth in the justice system are treated fairly and receive age-appropriate rehabilitative services. Additionally, we focus on safe working conditions and adequate housing for immigrant workers.

HIGHLIGHTS

• Limited the shackling of pregnant inmates in Virginia’s prisons. Pregnant women in Virginia’s prisons have faced shackling of their hands and feet while being transported to hospitals and during labor. A coalition of civil rights and religious groups persuaded the Department of Corrections to adopt policies severely limiting such shackling.

• Shined a spotlight on Virginia’s solitary confinement practices. As more becomes known about the effects of isolation, more states are reconsidering the practice, though Virginia still has more than 1,800 people in isolation. We currently represent 12 inmates in isolation and have requested an investigation by the U.S. Department of Justice.

• Supported family councils in nursing homes by pushing the General Assembly to pass legislation that enables communication among the families of nursing home residents. Under the new law, nursing homes must send out family council notices up to six times per year, upon request by family councils associated with their facility.

People don’t give up basic human and civil rights when placed in an institutional setting. If anything, protection of those rights becomes more important.”

CHARLOTTESVILLE ATTORNEY KATE DUVALL
In October, an 11-year-old suffered psychiatric hospitalization and was diagnosed with depression and post-traumatic stress disorder following the brutal murder of his older brother.

On release from the hospital, he was scheduled to return to the same school and to receive special education services. But those services were limited to those specified for his previously identified learning disability. The Legal Aid Justice Center team managed to secure medical documentation that indicated the student’s previous middle school placement was indeed a trigger for his PTSD. Then we obtained an out-of-zone school placement and expedited evaluations so that his emotional disability would be considered in putting together an appropriate educational plan.

After much advocacy, the student’s current mental health and education plans provide for one-to-one adult support during the school day. In addition, the student participates in an after-school tutoring program and receives intensive in-home counseling and regular medication management. All of this makes it possible for him to be educated in the least restrictive environment and to live at home with his family.
FINANCIALS

REVENUES

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EXPENSES BY LOCATION

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<td>PETERSBURG</td>
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<td><strong>TOTAL</strong></td>
<td><strong>$5,599,723</strong></td>
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EXPENSES

DIRECT SERVICES
$5,211,656

MANAGEMENT AND GENERAL
$214,538

FUNDRAISING
$173,529

TOTAL
$5,599,723

EXPENSES BY PROGRAM

CIVIL ADVOCACY PROGRAM
$2,283,412

JUSTCHILDREN PROGRAM
$1,313,055

IMMIGRANT ADVOCACY PROGRAM
$1,339,061

ELDER LAW PROGRAM
$200,671

VIRGINIA INSTITUTIONALIZED PERSONS PROJECT
$104,932

MEDICAL-LEGAL PARTNERSHIPS
$273,741

GENERAL & PROPERTY & EQUIPMENT
$84,851

TOTAL
$5,599,723
$50,000+
Renee & John Grisham
Sheila & Ted Wesc切尔

$20,000 - $49,999
Clachan Properties, LLC
Lynne Conboy
The Farkas Family Foundation

$10,000 - $19,999
Dr. Anne H. Addington Fund, Inc.
Karen & Carter Beauford
Becky & Jim Craig
Tussi Kluge
Mindy & Ryan Vaughan

$5,000 - $9,999
Kathleen Caldwell
Virginia Daugherty & John Conover
Barbara Fried
John E. & Mary E. King
Family Foundation
Mitford Children’s Foundation
Karen Moran & B. Wistar Morris III
The Praxis Foundation
Kelli Sutton Block & Andy Block
Roberta Williamson

$2,500 - $4,999
Elizabeth Birdsall & Eric Young
Mary & Steve Burns
Commonwealth of Virginia Campaign
ExxonMobil Foundation
Elva & Lou Hart
Charles Stewart Mott Foundation
Robbie Munn
Rozanne Oliver & Robert Bayer
Shannon Worrell
Anonymous (3)

$1,500 - $2,499
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Chinta Gaston
Joan & Alex Gulotta
Thomas C. & Mary Ann Hays
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Eleanor & John Knox
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$1,000 - $1,499
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Tzedakah Fund
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Julia & Brock Green
Elaine Hadden & Doug Drysdale
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Heiner Family Fund in the
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Cornelia Keller
Robin & Richard Kreitler
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Cyndy & David Martin
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Our Lady of Peace
Kathi Paul
Judy Rasmussen
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The Rosenthal Foundation
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Elvira Tate Hoskins & Joe Hoskins
Mr. & Mrs. Harrison Taylor
Elsie & Mac Thompson
Karen Torgersen & Mike Boyd
Virginia National Bank
Nancy & William Wardle
Carole Weinstein
Weltra Charlottesville Operator
Williams Mullen
Bonnie & Del Wood
Anonymous (2)

$500 - $999
Theresa & Jeffrey Aaron
Kerry Abrams & Brandon Garrett
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Judith & Philip D. Block III
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Elizabeth Courain & David Lee
Susan & David Dallas
John Davies
Francesca & Eduard De Lange
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Gentle Shepherd Hospice
Risa Goluboff & Richard Schragger
John Gordon
Terry Grant
Home Instead Senior Care
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Linda & John Monahan
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Christine & Dick Reppucci
Dr. George Rodeheaver
Kar in & Steven Rose
Kate & Steven Rosenfeld
Katie & Jim Ryan
Deirdre Smith & Timothy Wilson
Linda Snader
Donna & Stephen Sutton
Abigail Turner & David Watson
Van Yahres Tree Company
Mary Wagner
Mary Walter & George Yin
Carol & Jack Weber
Anonymous (3)

$250 - $499
American Senior Care
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Linda & Richard Balnave
Elizabeth Breeden
Betsy & Jay Dalgliesh
Dammann Fund, Inc.
Rebecca Dillingham
Benjamin Doherty
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Kathryn & Rob Freer
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Robert Grey
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Anita Gulotta-Connelly & John Connelly
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Jerome Handler
David Hayes
Jack Henneman
Erik Hewlett
Mary Buford Hitz & Fred Hitz
Tracey Hopper & Doug Campbell
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Betty & Fred Hudson
Lisa & Robert Inlow
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Liz & Howard Kutchai
Anna Lawson
Megan LeBoutillier
Mary Lewis Meador & Daniel Meador Jr.
Martha Jefferson House
Gail & John Marshall
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Valerie Matthews
Jordan McKay
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Sara & Wes Myhre
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Marcellinus Slag
Wendy Sprigle
Martha & Philip Stafford
Sylvia & Thomas Strawn
Betsy & Jay Swett
Tassco II
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Ruth & Walter Walddington
Nancy Weiss
Debbie & Rick Wyatt
Anonymous (4)

$100 - $249
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Connie Abdullah
Elizabeth & Thomas Allan
American Health & Wellness Institute
Jean & Ronald Andres
Patricia & Mark Andres
Breck Arrington
Jan & Joseph Avery
Margaret Bacigal
Louisa Barrett
Jane & Patrick Belisle
Gordon Berne
Melody Bianchetto
Mary Scott & John Birdsall
Beverley & Julian Bivins
Gardy Bloemen & Nicholas Duke
Karen & Warren Boeschenstein
Branchlands Properties
Cecilia & Tico Braun
Bonnie & Richard Brewer
Stephen Bricker
Brickhouse Run
Andrea Bridgeman
Diane & Robert Brown
Maxine & Henry Burton
Sean Byrne
Alice & Jonathan Cannon
Henry Cao
Mary Caperton
Jeremy Caplin
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Meghan Casey
Tara Casey
Cyndy & Dave Chapman
Lauren & George Cohen
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Patricia & Thomas Connally
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Emmett Fortune
Gloria Foster
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Nancy Hall
Joanne & Jack Harris
Mittie & Will Harvey
Dee & Stanley Henderson
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Carolyn & Jonathan Hexter
Mary & E.D. Hirsch
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Dianne & Ed Murray
Dr. Mohan Nadkarni
Mary & Bradley Neff
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Deborah Oswalt
Bertrand Page
Sally Paschal
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Mary & John Petersen
Maureen & Edward Petrini
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Terri & Michael Quinan
Tina Rees
Sharon Rennert
Katherine & William Richardson
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John Ritchie
Cliona & Henry Robb
Jeanette Rosenberg & Russell Perry
Gail & Steven Rubin
Courtney Sargeant
Cynthia Schneider
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