



# The Anne Arundel County BARRISTER

The Newsletter of the Anne Arundel Bar Association

December 2007

## Dates to remember

Dec. 10  
**AABA Board of Trustees Meeting**  
Westin Hotel  
Annapolis  
4:30 pm

Dec. 10  
**AABA Holiday Party**  
Westin Hotel  
Annapolis  
5:00-7:00 pm  
Good food, open bar  
*All members must register in advance, see flyer for details.*

Dec. 21  
**AABA ADR Committee Meeting**  
49 West Cafe, backroom  
8:30 am

Jan. 15  
**AABA Family Law Committee Meeting**  
*Topic: Immigration, Passport and Travel Issues in Family Law Cases*  
Attorneys' Lounge  
Circuit Court for Anne Arundel County  
5:00 pm

Jan. 16  
**AABA Board of Trustees Meeting**  
Attorneys' Lounge  
Circuit Court for Anne Arundel County  
5:00 pm

Jan. 18-21  
**AABA Trip to New Orleans**  
*See the enclosed flyer for details.*



For meeting details, visit  
[www.aabar.org](http://www.aabar.org)

## Don't be a victim of identity theft

Over the past three to four years I frequently find myself across the desk from clients lamenting the fact that someone has ruined their credit, incurred debts in their name and made it generally impossible to conduct normal day to day business affairs. Identity theft has struck again. The time and energy spent to unravel this mess can be a daunting task.

Identity theft seems to be one of those crimes that happen to other people. That is, unless you are one of the nearly nine million victims in the United States in 2006 who lost an average of \$6,383 to identity theft. A federal crime since 1998, identity theft cost those U.S. victims \$56.6 billion in 2006. On average, those victimized by identity theft spent at least 25 hours in resolving the problems created by the crime.

Identity theft involves fraud connected to any activity involving use of another person's identity without that person's permission. There are four categories: financial identity theft, using another person's name and Social Security Number to obtain goods and services; criminal identity theft, posing as another person when apprehended for a crime; identity cloning, using another person's information to assume his or her identity in daily life; and business identity theft, using another person's business name to obtain credit.

Just as the shoemaker's children often go without shoes, we have to make sure that we are following advice we offer to clients when it comes to safeguarding our identities and maintaining client confidentiality.

As lawyers, we handle our own

personal and financial information as well as that of our clients. And, we need to make sure that when we are discarding old information that our trash doesn't become someone else's treasure.

While we are aware of the need for online security, we still have to be aware that most thefts of identity information take place

**President's Message**  
**by Saul McCormick**



*Thanks to all who contributed to and helped with the annual turkey dinner distribution -- it was a great success.*

offline. From dumpster diving – or going through trash to find documents with personal information – to stealing incoming postal mail from unlocked mailboxes and “shoulder surfing,” or sneaking a look behind a victim's back at an ATM, there are many ways creative thieves can find personal information.

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Assistant State's Attorney will be missed.

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The bar association welcomes new members.

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## The Barrister

### Anne Arundel Bar Association

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**The Barrister** Newsletter is published monthly by the Anne Arundel County Bar Association Inc., P.O. Box 161, Annapolis, MD 21404. Phone: 410.280.6950 FAX: 410.280-6966. Press deadline is the 15th day of the preceding month of publication. Subscription Rate: \$15.00/year.



# Practice Notes...

Compiled by Hon. Philip Caroom

#### Family law - paternity test - parents' marriage:

Where child was born during marriage & father waited many years after divorce judgment to request genetic testing, trial judge erred by denying test without "best interest of child" weighing. *Ashley v. Mattingly*, 176 Md. App. 38 (2007).

#### Contracts - liquidated damages - mitigation of damages:

In private school enrollment agreement, because contract contained valid liquidated damages clause, school had no obligation to find other students to mitigate damages when parents withdrew child from attendance. *Barrie School v. Patch*, 401 Md. 197 (2007).

#### Criminal evidence - traffic stop standard - "articulable suspicion":

Based on review of U.S. Supreme Court precedents, a divided Court of Appeals approves traffic stops based on "reasonable articulable suspicion" rather than probable cause. In present case, officer failed test in describing his observation of an alleged window tinting violation. *State v. Williams*, -- Md. -- (10/19/07).

**Criminal evidence - "gang evidence":** "While we establish no bright line rule as to admissibility

of gang evidence in Maryland, we hold that the trial court...properly exercised its discretion to admit" detective's expert testimony as to gang affiliation and habits in this case as highly probative and not unduly prejudicial. Court applied Rule 5-404(b) with "clear and convincing" standard so as to prove motive. *Ayala v. State*, 174 Md. App. 647 (2007).

#### Criminal procedure - appeals - HG 8-507:

Trial judge's denial of sentence modification as to substance abuse treatment is not appealable as legislature did not provide such a remedy. *Fuller v. State*, 397 Md. 372 (2007).

**All Bar Association members are invited to contribute Practice Notes as to any legal points or information which might be useful to other attorneys. These should be sent to: Attn.- Hon. Philip Caroom, Court House, P.O. Box 2395, Annapolis, Md. 21404 or by email to [ctcaro44@aacounty.org](mailto:ctcaro44@aacounty.org).**

### AABA ADR Committee Meeting

**Dec. 21**

49 West Cafe, backroom  
8:30 am

All AABA members are welcomed.

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# The Consummate Gentleman – John LeCornu

by Kristin Fleckenstien

Whether you remember him as one of the finest southern gentlemen you’ve ever known, a Marine, or the most serene prosecutor to ever walk the earth, the thought of John LeCornu surely brings a smile to your face.

Assistant State’s Attorney Michael Bergeson recalls the first time he saw John come to court. It was a typical hectic and fast-paced docket day in Judge Thieme’s courtroom with attorneys milling about as defendants were shuffled down the main hall of the old courthouse to face their judgment. In the midst of the hubbub, John LeCornu strolled in cooler than the other side of the pillow. Bergeson remembers thinking, “this guy won’t be able to cut it.” Then, in his thick Tennessee accent, LeCornu called his first case. As the defendant approached the table, LeCornu informed Judge Thieme, “The defendant has elected to experience the cleansing effects of a guilty plea, your Honor.” Bergeson knew that John LeCornu would be just fine.

Assistant State’s Attorney Eileen Reilly fondly remembers how John could lighten up the most serious and grim of courtrooms without ever being disrespectful. She recalls one case that will forever be remembered by anyone present in the courtroom that day – and even those who heard the tale. A defendant’s name with the phonetic spelling, Huck You, was next on the docket. John took to the prosecutor’s table and loudly called out, “Huck You! Your Honor, Huck You. Case #...” Eyes bulged and smirks crossed faces, but not one person thought his remarks had even an ounce of disrespect for the court. That’s not the way John was. He epitomized courtesy, respect and even chivalry. And, everyone knew that about him from the moment they crossed his path.



John LeCornu

Sadly, on August 6, former Assistant State’s Attorney John Lecornu past away after a lengthy battle with cancer. Born in Nashville on June 11, 1939, John graduated from the United States Naval Academy in 1961. He proudly served the U.S. Marines for 27 years before joining the State’s Attorney’s Office in 1988. He retired from the SAO in 2004. He is survived by his beloved wife, Linda, and their three daughters: Laura, Diane and Jenny. He was preceded in death by his daughter, Jody, who was murdered in 1996. Few can forget the cards John sent thanking those who provided his family support and sympathy after his daughter’s tragic death. They epitomized his gentlemanly ways and showed an inner strength that lifts one’s soul.

Indeed, John had a calming affect on everything and everyone around him. Assistant State’s Attorney Frank Ragione remembers watching John as he smoked a cigarette in the parking lot when the SAO was housed along South Street in a building behind the courthouse. “John was casually finish-

*Continued on page 5*

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## CLE: New Trust Accounting Rules & When is a Fee Earned?

On Wed., Feb. 6, the AABA will host a timely ethics CLE that will cover the new Trust Accounting Rules and answer the question "When is a fee earned?" The session will cover issues such as: What are the new record-keeping requirements for Trust Accounts? How can you integrate them into your office management systems? When your clients' monies are in your trust account, when is your fee earned? Is it the same for Civil and cases? How may the rule be applied differently? What language do you use in your retainer agreement for each type of case?


Jonathan Shoup will act as facilitator for the program. The panelists will be Glenn Grossman and Andrew J. Graham.

### About the speakers

*Jonathan Shoup* has practiced law since 1975 and maintains a private practice in Annapolis. His legal experience includes 15 years as senior prosecutor with the Baltimore City Office of the State's Attorney, handling major felonies. In addition to his BA and JD Shoup also has a MBA. He has been certified by the US Government as a consultant in organizational development. He has been a keynote speaker and conducted more than 100 seminars and has taught at UMBC and the University of Maryland.

*Glenn Grossman*, B.A. - Johns Hopkins University, 1972; J.D. - University of Maryland School of Law, 1975. Assistant Bar Counsel, Attorney Grievance Commission, 1981-96; Deputy Bar Counsel 1996-present. Grossman was an Adjunct Professor of Professional Responsibility-University of Baltimore Law School, Summer, 2007, as

a speaker on ethics, professional responsibility and risk management at University of Maryland Law School. He was awarded the Maryland Bar Foundation Professional Legal Excellence Award for the Advancement of Professional Competence, September 2007.

*Andrew J. Graham* is a principal of Kramon and Graham, P. A. in Baltimore. BA, 1965, Yale Univ.; J.D., 1968, New York University. Graham has a general civil, criminal and appellate practice in which he has represented many attorneys in Grievance matters. He served as law clerk to Hon. Alexander Harvey, II, U. S. Dist. Court for Dist. of Md. (1968-69). He is admitted to the bars of numerous federal courts, including the U. S. Supreme Court. Among his many professional associations, he served as a member of the Ethics 2000 Committee for the Maryland Court of Appeals and is Chairman since 2001 of the MSBA Ethics 2000 Committee. He is a member of the Association of Professional Responsibility Lawyers. 

### Upcoming AABA CLE

set for Wed., Feb.

6 at 5:30 pm in the

Attorney's Lounge of  
the Circuit Court for

Anne Arundel County

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## John LeCornu...

*Continued from page 3*

ing a cigarette when he witnessed a guy backing out of a parking space. The guy had come to the court to complete his drug test and was leaving the spot that happened to be next to John's car. As he backed out, the guy scratched the corner of his car along the entire side of John's car." Most people would have hollered and run to the cars yelling at the fool – but not John. He simply watched whilst finishing his smoke then calmly walked to the car to talk to the guy. Never once did he raise his voice. John LeCornu treated everyone with the utmost of courtesy regardless of what they were doing, who they were or whether they were a defendant or victim or a fellow prosecutor or defense attorney.

"Lock and load," a statement voiced by John as he left for court or was about to call a case, will forever be part of the SAO lexicon. After hearing of John's death, former Annapolis Capital reporter Brian Schleter wrote to express his sympathy over the loss. His vision of John swaggering into the courtroom is indelible. "Sad to hear about John. He was one of a kind. I really wanted to do a feature story on him when he retired, but he wasn't up for it at the time. I always loved how he usually came to court holding nothing more than that old, beat up, brown leather letter carrier. He just shot straight from the hip." That is how many will remember him. His way with words in the courtroom. His impish grin that melted the adversarial nature of criminal justice. The consummate gentleman.

Known to write little notes to co-workers and leave them on desks accompanied by some type of confection, John always cared about what was going on in others lives. He would ask about families and remembered the names of everyone's spouse and children. The slightest cold would bring John to your door to see how you were doing. If your child had a cold he'd ask about that too. The next day you'd likely come into the office to find a "get well" note on your desk along with an assortment of chocolates. A full jar of M&M's sat on his desk enticing anyone who passed his office in for a few treats and, better yet, colorful LeCornu conversation.

After John left the office in an effort to battle the cancer that had invaded his body, he was still someone who frequently came into conversations about humorous courtroom events – likely because he was involved in so many of those stories. He was a man of infinite wisdom. His balance of humor, kindness, and graciousness will be missed by all. ☐

### Member Notes

Yes, that was AABA Member **Gil Cochran** on National Public Radio during the evening broadcast of All Things Considered, Tues., Nov. 27. He was mentioned in a story about the Mideast meeting's impact on Annapolis.. You can listen to the story on line by searching "Annapolis Residents Work Around Mideast Meeting" at [www.npr.org](http://www.npr.org) (Nov. 27, 2007).

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# President's Message...

*Continued from page 1*

Three ways to keep your own personal information safe is to secure, study and shred. First, make sure you do not disclose personal information, especially your Social Security Number un-

necessarily. Second, read all account statements as they come in to check for unauthorized transac-

tions. Third, shred all discarded personal information, preferably with a confetti shredder. In dealing with client information, similar guidelines apply: Use shredders in your office, make sure the place you store old files is secure, and use a secure, bonded destruction vendor if you have a large volume of information to destroy.

More about maintaining security for your identity can be found at [www.abanet.org/generalpractice/magazine/2005.dec.identitytheft.html](http://www.abanet.org/generalpractice/magazine/2005.dec.identitytheft.html). Information on records management for client information can be found at [www.abanet.org/abastore/books/inside\\_practice/2007/aug/recordsmang.html](http://www.abanet.org/abastore/books/inside_practice/2007/aug/recordsmang.html).

While we will not be able to eliminate identity theft, we can take steps to make sure our information and our client records are as secure as possible.



*Many thanks to our on site volunteers.*

necessarily. Second, read all account statements as they come in to check for unauthorized transac-

## Turkey Drive a Success

The 2007 AABA Thanksgiving Turkey Drive was an overwhelming success. We raised \$5,200. Through your generosity we were able to provide 190 dinners for needy families in the county, plus a substantial cash contribution to FoodLink. As pointed out by former president, **Kevin Schaeffer** when he instituted the Thanksgiving Turkey Drive in 2002, the people we are helping with our donations are those for whom a fancy dinner, even at Thanksgiving, is a true luxury. **Jessica Daigle** deserves a great deal of the credit for the success of this year's drive. She led the way soliciting contributions and organizing people for the distribution.

*Continued on page 7*



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# President's Message...

*Continued from page 6*

Thanks to those who were at the distribution sites of Admiral Oaks and Van Bokkelen Elementary, which included **Jonathan Kagan, Katy Byrne, Fran Czajka, Laura Robinson, John Gardner, Dave Ash, David Katz, Mishonda Baldwin, Katie Dempsey, Reva Chopra, Ana Daigle and Joseph Daigle.**

## Community Law Day Set

Continuing with the idea of giving back to the community at large, I mentioned in a prior article that I wanted to hold a Community Law Day to provide, at no cost to County residents, a series of forums and discussion groups on legal topics of interest to lay people. The concept is finally about to become a reality. On Sat., Feb. 9 we will present the Community Law Forum at Anne Arundel Community College in conjunction with the school's Legal Studies Program. It will run from 8:30 a.m. to 12:30 p.m. and offer 12 programs dealing with

civil, criminal and domestic law areas. Available topics for the participants to sample include:

"Back Off! Protective Orders and Peace Orders"; "D-I-V-O-R-C-E: Preparation and Process"; "Help, I've Just Been in a Car Accident: What to Do and Say First"; and "Traffic Light: A Quick Guide to Traffic Court, the MVA and Traffic Cameras"

To be successful we are going to need panel participants and getting out the word about the program to the public. If you are called upon to help, please do so. If you have access to church or synagogue groups, senior centers, political clubs or other such organizations whose members might be interested in the Law Forum, please let us know. We could use your help in publicizing this.

Your President-Elect, **Jonathan Kagan** has been chairing the Committee that is pulling this all together. Believe me, it is no small task. Members of the Committee include, **Laura Robinson, Glenn Klavans, Drew Cochran, Claire Buchner, Jim Garland, Teja Rau, Marla Zide, Frank Campbell, Ed Brady, and Stephen Krohn.** **Karen Cook** has been working her connections with the Community College to provide us with a suitable venue. A well attended event could mean a great deal of positive community feedback for our Association.

## Lawyer/Hero

"If we can crack Mississippi, we can crack segregation anywhere." In 1964, the Student Non-Violent Coordinating Committee (SNCC) was committed to "shake up" the deep South by sending

*Continued on page 8*

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*If you have access to church or synagogue groups, senior centers, political clubs or other such organizations whose members might be interested in the Law Forum, please let us know. We could use your help in publicizing this.*

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## President's Message...

*Continued from page 7*

hundreds of young volunteers to all corners of the State to register black voters.

Justice Department attorney, John Michael Doar had the task of warning these volunteers that there would be no federal police force to protect them. They would have to rely upon local police for their safety.

It was into this cauldron brimming with danger that Doar ventured a year earlier. June of 1963 saw the assassination of civil rights leader Medgar Evers in Jackson, Mississippi. Three days later hundreds of African-Americans squared off against city police in full riot gear. Bricks, stones and bottles flew through the air. Officers drew their shotguns and police dogs strained at their leashes. Just as things were about to explode, a tall white man walked into the middle of the opposing sides and addressed the angry crowd. It was John Michael Doar. He reminded the protestors that Medgar Evers was a man who preached non-violence; a riot would not be what he wanted. At Doar's urging the crowd began to disperse, probably saving many people who would have been killed that day. Charles Portis of the *Los Angeles Times* in writing of the event described Doar as "becoming the Marshall Dillon of the troubled South."

Thus set the stage for John Doar and the "Mississippi Summer Project" which would result in the murders of civil rights workers Mickey Schwerner, Andrew Goodman and James Chaney near Philadelphia, Mississippi. As head of the Justice Department's Civil Rights Division he led the government's effort in the notorious "Mississippi Burning" trial. Winning convictions against some

of the Klan/police conspirators in this case was considered miraculous under the circumstances. His closing arguments in that case were reported to have been modeled on the prosecution's closing in the Nuremberg war crimes trials.

As if this case wasn't enough for one lawyer's career, Doar also prosecuted: a mob of white supremacists who torched a bus filled with integrated Freedom Riders in Alabama; the Klansman who gunned down activist Viola Liuzzo at the conclusion of the Selma to Montgomery March in 1965; and accompanying James Meredith while registering as the first black student at the University of Mississippi. This latter event took place during a bloody riot that resulted in the U.S. Army being sent to campus. Two lives ended during those riots. Not only did Doar help Meredith register, he remained on campus for several weeks, at times staying in an adjacent dorm room.

*Continued on page 9*

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*At Doar's urging the crowd began to disperse, probably saving many people who would have been killed that day.*

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# AABA LRS: An easy way to expand your practice

The AABA's Lawyer Referral Service (LRS) provides attorneys with an effective tool to expand their caseloads.


The program continues to grow, averaging approximately 150 referrals per month. It is advertised with county agencies, on the web ([www.aabar.org](http://www.aabar.org)) and in the phone-book.

Here's how it works:

AABA members sign up and pay a fee to be part of the panel. They indicate their areas of practice.

People call or email the service requesting an attorney. The staff screens the client and matches them up with an attorney who has indicated he or she handles that particular kind of case and is in a particular part of the county (if the caller has a preference). The prospective client pays a \$35 fee to and receives a 30-minute consultation with the

attorney.

For more information or to join the LRS, contact the AABA at 410-280-6961 or email [aaba@circuitcourt.org](mailto:aaba@circuitcourt.org). 

## President's Message...

*Continued from page 8*

John Doar was once described by his former boss, Attorney General Robert Kennedy as "the best Republican in the country." In 1974 he went on to serve as Chief Counsel for the House Judiciary Committee's inquiry into Watergate. His staff's intense investigation would later result in recommending the impeachment of President Richard M. Nixon.

Now in his mid-80s, John Doar is senior counsel at the New York City firm of Doar, Rieck & Mack. He is someone we can call a true lawyer/hero.

*"Nurture your mind with great thoughts; to believe in the heroic makes heroes."*

*Benjamin Disraeli* 

*Not only did Doar help Meredith register, he remained on campus for several weeks, at times staying in an adjacent dorm room.*

## DOMESTIC REFERRALS

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# Welcome new members

The following applications were approved for membership in the AABA at the November Board of Trustees meeting:

**David Ashley**  
PO Box 3080  
Annapolis, MD 21403

**Meg O'Regan**  
170 West St.  
Annapolis, MD 21409  
Phone: 443-995-8305; Fax: 410-741-3042  
E-mail: meg.o@comcast.net

*Welcome to the newest  
members of the AABA.*

**Janice Barnett**  
District Court of Maryland  
A.A. County Commission Office  
251 Rowe Blvd.  
Annapolis, MD 21401  
Phone: 410-260-1314; Fax: 410-260-1349  
E-mail: jbar773@yahoo.com

**Eileen Reilly**  
Office of the State's Attorney  
7 Church Circle, #200  
Annapolis, MD 21401  
Phone: 410-222-1740; Fax: 410-222-1196  
E-mail: sareil21@aacounty.org

**Kenneth Courter**  
Hyatt & Weber  
200 Westgate Circle, #500  
Annapolis, MD 21401  
Phone: 410-266-0626; Fax: 410-841-5065  
E-mail: kencourter@yahoo.com

**Andrew White**  
Silverman, Thompson, Slutkin & White  
201 N. Charles St., #2600  
Baltimore, MD 21201  
Phone: 410-576-2200  
Fax: 410-576-2224  
E-mail: awhite@mdattorney.com

**Jennifer Doud**  
U.S. Coast Guard  
908 Mallard Circle  
Arnold, MD 210121  
Phone: 202-475-3091  
E-mail: Jennifer.e.doud@uscg.mail

**Jon Dessen**  
1657 Fallowfield Ct.  
Crofton, MD 21114  
E-mail: jon.dessen@gmail.com

**Chad Littleton**  
U.S. E.P.A.  
54 St. Andrews Rd.  
Severna Park, MD 21146  
Phone: 202-566-0796; e-mail: lagoon4@hotmail.com

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## AABA Thanksgiving Dinner Donation Program

### *A resounding success for the sixth year in a row*

**T**hank you to all who participated in the AABA Thanksgiving Dinner Donation Program and helped the campaign to raise \$5,200.

The program was an overwhelming success. Through member and firm contributions, and by partnering with Grauls Supermarkets, we were able to provide a turkey, corn, peas, stuffing, cranberry dressing, potatoes, dinner rolls and a pie to 190 needy families in Annapolis and Severn. The dinners were received with much gratitude and appreciation. The surplus contributions received following the deadline were donated to Foodlink, a grassroots, nonprofit organization that exists as a safety net for the working poor. Foodlink has become the last stop when traditional support programs fail or turn them away. They offer immediate help directly to families and individuals or by assisting caseworkers, clergy and community activists. This was the sixth consecutive year that the AABA has held the backpack drive. Over the past six years, \$35,100 has been raised by Anne Arundel County attorneys to provide Thanksgiving dinners to under-privileged families.

Asensio, Joseph  
Ballard, Matthew  
Barnstorf & Barnstorf  
Bell, Ragland & Gauges, PA  
Bittner, Richard  
Blackford & Flor, LLC  
Blumenthal, Delevan & Williams, PA  
Bowman, Jean  
Byrne, Katy  
Caldwell, Rex  
Caroom, Ilene  
Cochran, Gil  
Cook, Karen  
Costello, Daniel & Marie  
Council, Baradel, Kosmerl & Nolan  
Craig, Carol  
Daigle, Jessica  
Davis-Loomis, Hon. Nancy  
Duden, Richard  
Franke, Fred  
Friedman, Alan  
Gagnon, Michele  
Gardner, John  
Garland, Jim  
Gore Reporting Company  
Heller, Hon. Robert  
Hillman, Brown & Darrow  
Hirshman, Mel  
Huffines, J. Steven

Hyatt, Alan  
Hyre, Bryan  
Jimeno, Greg  
Kagan, Jonathan  
Keatts & Horton  
Klos, Jr., Stanley J.  
Krohn, Stephen  
Lamone, Linda  
LaMore, Jr., Joseph  
Leonard, Margaret  
Lessans, Martin  
Levin, David  
Libber, Sherri  
Loney, Hon. Michael  
Lord, Michael  
Marcalus, Jeff  
Mason, James  
Mason, Roy  
May, Michael  
May, Richard  
McCarthy, Kevin  
McCormick, Saul  
McKenna, John  
Meredith, Hon. Timothy  
Meredith, Kathy  
Mitchell, Bill  
Mosely, Hon. Danielle  
Nash, Hon. Beverly  
North, Hon. Pamela

O'Connor, Jr., Edward J.  
Oberg, Steve  
Pennington, Bryan  
Perkins, Kathy  
Perkins, Roger  
Pisegna-Cook, Evelyn  
Prayley, James  
Putzi, David  
Reinhart, Meghan  
Rice, Stacey  
Robinson, John  
Robinson, Laura  
Rogers, Kathleen  
Sauer, James  
Sheridan, Timothy  
Shoup, Jon  
Shuck, James  
Shuck-Baldwin, Jennifer  
Simcox & Barclay, LLP  
Smith, Patrick  
Sussman, Fred  
Taylor, Barbara  
The Staples Family  
Thompson, Jr., E. James  
Tobin, Robert  
Weinberg, Gregg  
Wolfe, Lisa  
Wyckoff, Susan



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