

Douglas County Law Library E-Mail Newsletter



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Meeting and Event Announcements

The Defense Bar meets the second Friday of the month. This month the meeting is on the 12th.

The July Douglas County Bar Association Brown Bag CLE program will be on Thursday, July 18, 2013, from 12:00 p.m. to 12:50 p.m. in the Jury Assembly Room in the Judicial and Law Enforcement Center. Sherri Loveland will present *An Annual Update on Recent Disciplinary Cases*. Handout mate-

rial can be downloaded from the [DCBA website](#).

Lance Burr, 1942-2013

The Editor neglected to note in the June Newsletter the passing of long-time Lawrence attorney Lance Burr on May 13, 2013. He was a well-respected member of the legal community, and his obituary is available [on-line](#).

Current Art Gallery Exhibition



The June/July 2013 Law Library and Division IV art gallery exhibitions are photography by Tony Peterson.

The exhibitions will run through the end of July 2013.

The August/September exhibitions in the Douglas County Law Library Art Gallery and the Division IV Art Gallery are scheduled to be mixed media by Lesa Weller. More information on these exhibitions will be in the August 2013 E-Mail Newsletter.

For more information on past, current, and future Art Gallery exhibitions, or for more

information on the Art Galleries, please consult the Art Gallery page on the Law Library's website.

If you would like to exhibit your art in our galleries, or know of local artists who would like to show their original art here, contact the Law Library at 838-2477 or by e-mail at info@douglascolawlibrary.org.

New Acquisitions

Newly acquired material added to the Law Library's holdings:

2014 Large Scale Road Atlas.

AALL Spectrum, v. 17:8 (June 2013).

ABA Child Law Practice: Helping Lawyers Help Kids, v. 32:6 (June 2013).

Advance sheets of the Kansas Supreme Court and the Kansas Court of Appeals, v. 296:3/v. 48:6 (May 2013).

Search and Seizure Bulletin, v. 50:6 (Jun. 2013)

Did You Know?

Every month, a bit of Law Library trivia is posted in the Law Library and on the Law Library's website. The previous month's "Did You Know" tidbit is then published here in the Newsletter. The hope is for this to improve communication between the Law Library and its users.

June's entry was:

The Law Library has changed its provider of on-line legal research to WestlawNext.

This Month In Legal History

July 19, 1896 - Judge Owen Abbott Bassett dies.

Owen¹ Abbott Bassett was born on July 16, 1834, in Troy, Bradford County, Pennsylvania, to Samuel Kellogg and Jane Augusta (nee Bradford) Bassett. In 1837, the family moved to Hancock County, Illinois, and then two years later, moved to Lee County, Iowa Territory, eventually settling in the small community of Denmark, near Fort Madison. He received his elementary education in a school taught by his mother, and then attended Denmark Academy, a private, coeducational institution that prepared students for higher education. After leaving the Academy, Bassett studied to be a civil engineer, but soon changed to the study of law. He began working for the United States Land Office in Fort Des Moines, Iowa, in 1855, but owing to the fact that he was a Whig and didn't support the administration of President Franklin Pierce, who was a Democrat, he soon left. He formed a partnership with Stillman H. Blood and George C. Brackett to do business in the new Territory of Kansas. They did not want Kansas to allow slavery when it was admitted to the Union, and so allied themselves with the Free State cause. In the spring of 1856, Bassett and Brackett left Iowa, traveling with a party of Free State supporters. These Free State men were supposedly bringing a cannon with them, and when warned that the authorities were aware of this and would attempt to stop them, the cannon was buried near Nemaha Falls, Nebraska, to be retrieved later. Bassett and Brackett entered Kansas Territory, arriving in Leavenworth on April 5, 1856. Bassett was accosted by a mob of proslavery supporters who were intent on determining why he had come to Kansas. He spoke to the mob, and was able to talk himself out of the potentially dangerous situation. Bassett then went to Leecompton, the capitol of the Territory and

the headquarters of the proslavery movement in Kansas. He attempted to secure the release of some Free State prisoners being held there, and while walking down a street, was recognized and surrounded by a proslavery mob. He had to be rescued by Joseph Campbell Anderson, a member of the Kansas Territorial Legislature, known to Free State men as the "Bogus Legislature" because of the countless irregularities surrounding its election. After getting Bassett to safety, Anderson advised him to get out of town. Bassett heeded his advice, and left for Lawrence, headquarters of the Free State movement in Kansas Territory, and began working for the Free State cause in earnest. A committee from the United States Congress was in Leavenworth, engaged in an investigation of the political troubles that were occurring in Kansas Territory, and Bassett went there to attend its sessions as a reporter for the Free State press. While there, he heard that an attack was soon going to be made on Lawrence, so he left Leavenworth and traveled back there to help defend the town. Despite his and other men's warnings, the town put up no resistance, and was sacked and burned on May 21st by a large force of proslavery men. After the sack of Lawrence, Bassett went back to Leavenworth, accompanied by Brackett, and took on the responsibility of escorting ex-Governor Andrew Reeder out of the Territory. Reeder feared reprisal from proslavery factions for things he had done as Governor. Bassett and Brackett escorted the disguised Reeder on a steamboat all the way to St. Louis, where he crossed into safety in Illinois. They returned to Kansas by way of the overland route through Iowa and Nebraska Territory, arriving in Topeka on July 4th, just in time to see the Topeka Legislature, a Free State body formed to counteract the proslavery "Bogus Legislature", forcibly dispersed by Federal troops. Back in Lawrence again on August 12, 1856, Bassett joined a Free State militia there named the

"Stubbs"², and participated in the Second Battle of Franklin that same night. He was also with the Stubbs in an attack on Fort Saunders, a proslavery stronghold on August 15th. For a period of time he also served as Engineer and Quartermaster for the Free State army. Bassett moved to Leavenworth County, and then in December 1856, he surveyed the town site and laid out the streets for the new town of Quindaro. Quindaro was on the west bank of the Missouri River, and was known as a location where Free State men, supplies, and fugitive slaves crossed over from Missouri into Kansas Territory. Bassett apparently stayed in Quindaro at least some of the time during 1857. That summer, he was purported to have participated in the retrieval of the cannon that had earlier been buried in Nebraska for safekeeping. After it was brought to Quindaro, it was frequently fired during celebrations and on other special occasions. The cannon became known as "Lazarus," because it was buried and retrieved more than once to protect it from proslavery men and government agents. In the fall of 1857, Bassett was elected to the Territorial Legislature, and served in the special session of 1857. He took time out of his legislative duties to return to Iowa and marry Josephine Eliza Butland in New London, Iowa, on November 19, 1857. Bassett came back to Kansas and served during the regular 1858 session of the Kansas Territorial Legislature. He then relocated to Franklin County, and joined in with other Free State men in a town company to establish the town of Mineola. Bassett became secretary and surveyor for the company. For a time, he edited and published the Mineola Statesman, a newspaper originally named the Kansas Leader, which had its name changed when it was moved from Centropolis to Mineola in 1858. After a few months, the newspaper ceased publication, and Bassett moved to Lawrence in July, where two months later, Owen and Josephine became parents with the birth of

Anna Gertrude Bassett on September 4, 1858. A month later, Bassett was admitted to the bar and began practicing law in Lawrence. On January 10, 1860, Anna died. Later that year, Bassett was engaged as counsel by the heirs of Gaius Jenkins in a rehearing of a case over disputed ownership of 160 acres of land. The other party in the case was James Henry Lane, a general in the Kansas Free State militia who was known as "The Grim Chieftain" because of his fiery temper. Lane had shot and killed Jenkins with a blast from a shotgun on June 3, 1858, when Jenkins tried to take water from a well whose ownership was the object of a long-going dispute between the two men. After the Confederacy fired on Fort Sumter on April 12, 1861, Bassett offered his services to the Kansas Governor, Charles Robinson. Bassett assisted in organizing the 1st Kansas Volunteer Infantry Regiment, and later was appointed bearer of dispatches from Colonel William Weer at Fort Scott, Kansas, to General Nathaniel Lyon at Springfield, Missouri. Before reaching his destination, he heard of the defeat of the Union forces in the Battle of Wilson's Creek on August 10, 1861, and the death of General Lyon during the engagement. He caught up with the retreating Union forces at Rolla, Missouri, where he delivered the dispatches he was carrying to Major Samuel Davis Sturgis, who had assumed command upon the death of Lyon. Bassett returned to Kansas by way of St. Louis, and soon afterward was appointed as first lieutenant under Dr. Joseph Pomeroy Root, who was authorized to raise a regiment of volunteer cavalry. Colonel Alson C. Davis had also received authorization to raise a regiment of volunteer cavalry, which he began doing on November 8, 1861. Organization of the unit was completed on December 26th, and it was named the 9th Kansas Volunteer Infantry Regiment. Bassett was mustered into the Regiment on January 4, 1862, with the rank of lieutenant colonel, and assumed command. Command

of the Regiment went to Colonel Davis when he was mustered in on January 9th, but sometime around February 20th, Colonel Davis resigned, and Bassett again assumed command. On March 15th, the Governor changed the name of the Regiment to the 2nd Kansas Volunteer Infantry Regiment. Then on March 27th, the Governor again changed the name to the 2nd Kansas Volunteer Cavalry Regiment, which it retained throughout the rest of the War. For brevity's sake, the Regiment was usually referred to as the 2nd Kansas Cavalry, or just the 2nd Kansas. Dr. Root, who had previously been appointed as Regimental Surgeon of the 2nd Kansas, claimed that the Kansas Governor had commissioned him as a colonel, and the Brigade Headquarters recognized him as such, so on May 15th, he assumed command of the Regiment from Bassett. On May 21st, it was ascertained that Dr. Root was incorrect in his assertion that he had been made a colonel, and had taken command of the 2nd Kansas without proper authority. Bassett resumed command of the Regiment, and Dr. Root resumed his duties as Regimental Surgeon. Bassett also assumed command at Fort Riley, Kansas, where the Regiment's headquarters were at the time, for as long as they were stationed there. On May 27th, Bassett received word that the Kansas Governor had sent him a commission as colonel, and the following day he made a formal request to be mustered in as such. His request was refused, with the reason that Brigadier General James Gillpatrick Blunt, commanding office of the Department of Kansas, had given instructions to the mustering officer to not muster any officer into the 2nd Kansas unless the applicant presented written permission from Department Headquarters. Bassett then made his request to Department Headquarters, but instead of promoting Bassett, Blunt assigned Colonel William F. Cloud to take command of the 2nd Kansas on June 1st, thereby replacing Bassett as commander. However, on July,

26th, Cloud was reassigned to command the First Brigade of the Indian Expedition, a force trying to reestablish pro-Union Indian refugees in Indian Territory, and Bassett again reassumed command of the Regiment. He commanded the 2nd Kansas in the Battle of Old Fort Wayne in Indian Territory on October 22nd, and led his men in an unsupported effort that captured a four-gun battery in the face of a vastly superior enemy force. He also led the Regiment in four other battles in Arkansas in 1862, the Battle of Cane Hill on November 28th, the Battle of Reed's Mountain on December 6th, the Battle of Prairie Grove on December 7th, and the Battle of Van Buren on December 28th. On May 4, 1863, Bassett was put under arrest on charges preferred by Captain Samuel Johnson Crawford, future governor of Kansas. He was relieved of command and Crawford was placed in command of the 2nd Kansas. Trial began on June 10th before a General Court Martial. Bassett was charged with misbehaving in the face of the enemy, conduct prejudicial to good order and military discipline, and conduct unbecoming an officer and a gentleman. Specifically, it was alleged that he had counter-marched the main body of his men away from the Confederate Army while a detachment of his men was out on a reconnaissance mission to gauge the Confederate Army's strength and position. Exactly when this was alleged to have occurred is unclear, but presumably it would have been sometime during the Regiment's most recent actions in Arkansas. The trial continued until May 20th, when the Judge Advocate asked for a continuance of 30 days. On July 26th, the General Court Martial resumed. Brigadier General John McNeil, who had recently assumed command of the District of Southwest Missouri, directed the Judge Advocate to send all the proceedings to him for examination. After examining the testimony for the prosecution, General McNeil decided that there was no evidence presented that

could sustain the charges against Bassett and dissolved the General Court Martial. Bassett was released from arrest on August 6th. He was then detailed to Springfield, Missouri, to assist in a General Court Martial being held there. On November 2nd, Bassett rejoined the 2nd Kansas and resumed command. On December 5th, 1863, Bassett was moved up to command of the Third Cavalry Brigade in the Army of Arkansas, and Major Julius G. Fisk assumed command of the 2nd Kansas under him. Bassett commanded the Third Brigade in the Battle of Prairie D'Ane, fought April 9th through the 13th, and the Battle of Poison Spring, April 18th. Both were part of the April 1864 Camden Expedition in Arkansas. Upon Brigadier General John Milton Thayer resuming command of the District of the Frontier on May 16, 1864, Bassett was reassigned to duty at District Headquarters in Fort Smith, Arkansas, as Chief of Staff. While stationed in Fort Smith, he became a Freemason in December 1864. On January 17, 1865, Bassett was relieved of his duties as Chief of Staff and instructed to round up all the enlisted men who were on detached service in the various staff departments in Fort Smith, and take them to Regimental Headquarters in Clarksville, Arkansas. He did as he was instructed, and he and the men, who numbered around twenty, joined around thirty other officers and enlisted men on board the Steamboat Annie Jacobs for the trip to Clarksville. In addition to the fifty or so soldiers, there were around 200 "refugee negroes" on board. The Annie Jacobs was part of a four-boat fleet that set off together down the Arkansas River. Between the four steamboats, there were over 600 refugees and over 150 soldiers on the trip, including "about 100 colored troops". A few miles above Roseville, Arkansas, a steamboat landing on the river, the Annie Jacobs stopped to take on a fresh supply of wood. Two of the other boats stopped to do the same, but one boat went on ahead without

stopping. Having replenished its supply of fuel, the Annie Jacobs set off again alone, and as she passed Roseville, the boat that had gone on ahead was seen lying along the south bank of the river some distance ahead. It quickly became apparent that it was on fire, but whether as the result of an accident or military action was at first not obvious. A large group of people could be seen on the shore, but that was not unexpected, as there had been more than 100 refugees on board the boat. The Annie Jacobs picked up speed, and when it was within a half mile of the burning boat, a large force of rebels came into view who were in possession of two pieces of artillery, which opened fire on the Annie Jacobs. Following the channel of the river would have forced the steamboat to pass directly in front of the battery of artillery firing at it, and the odds of making it past the battery without being sunk were not good. Turning the steamboat around and attempting to make the north bank would give the passengers a good chance to escape destruction or capture. The Annie Jacobs was a stern-wheel boat, which was less maneuverable than side-wheel steamboats, so by the time they had managed to turn her around, she had drifted to less than a quarter mile from the artillery battery. Despite one shell exploding in the furnace and two in the engine room, the Annie Jacobs continued to steam toward the north bank. A third shell in the engine room disabled the boat, but she had gained sufficient headway to run aground on the sand along the north bank. When she struck, a cable was thrown out and tied to a tree on the shore, and a few moments later everyone on board had made it to dry land. Over forty shots were fired at the Annie Jacobs, twenty-three passing into or through her and seven exploding on board. With all that, only one person sustained any injuries, "although many were very much terrified." That man was Vincent Osborne, a private in company A, of the 2nd Kansas Cavalry, who had helped carry the

cable to tie the boat to the tree on the bank. A volley of musketry from the rebels on the south bank caused all the other men to duck for cover, but Osborne continued to make the cable fast to the tree, and as he was completing the job of securing it, a musket ball passed through his right thigh, breaking the bone, which resulted in the amputation of his leg. Just as all the passengers on the Annie Jacobs had disembarked, one of the two remaining steamboats in the fleet came around the bend upriver under a full head of steam. The rebels abandoned the shelling of the Annie Jacobs and concentrated all their efforts on the new target. One of the pieces of artillery became disabled, and the steamboat was able to run her prow into a sand bar just above where the Annie Jacobs was tied. In contrast to the Annie Jacobs, the third boat was hit by only five shots with one exploding on her, but seven people were killed and a number wounded. Just when the rebels ceased fire and withdrew is not recorded, but with only one piece of artillery still operational, and a lack of knowledge of how many Union troops they were up against or how many more boats there were in the fleet, they likely withdrew soon after the third boat landed. The fourth boat in the fleet had run aground on a sandbar several miles upriver, and so did not get down to the scene of the action until the next morning. The three intact boats stayed at the scene of the attack for two days before proceeding down the river, eventually stopping at Little Rock. Bassett reported to Department Headquarters, and as his term of service had expired, he was mustered out of the service on January 26, 1865. He returned to Lawrence, and took up his law practice again. He mainly prosecuted claims against the Government that resulted from the War. Bassett also became very active in Freemason activities. On August 2, 1866, Josephine gave birth to Mary Viele Bassett. In 1868, Bassett was nominated by the Republican Party for district judge in Douglas

County, and won in the November election, taking office in January 1869. On October 21, 1870, Thomas Butland Bassett was born. Judge Bassett stood for reelection in 1872, and won with little opposition. Frederick Leonard Bassett was born on May 19, 1873, and Josephine Edson Bassett was born on September 28, 1875, thereby completing the Bassett Family. Judge Bassett participated in the organization of the Kansas State Judicial Association, and in January 1876, he was chosen as its first presiding officer. In spite of strong urgings for him to do so, Judge Bassett declined to run again in 1876, and left office in January 1877. He continued his association with the Freemasons, and held almost every office available to him. Judge Bassett died in Ellsworth, Kansas, on July 19, 1896, and was buried in Oak Hill Cemetery in Lawrence. Today his portrait adorns the wall outside of the Division V Courtroom in the Judicial and Law Enforcement Center in Lawrence.

¹ The record of Bassett's family in the 1850 U.S. Census for Lee County, Iowa, notes an Oliver Bassett who is 16 years old, the correct age for someone born in 1834, but no Owen Bassett. Either the person enumerating the census misunderstood Owen's name as Oliver and recorded it incorrectly, or Owen was originally named Oliver and changed his name later.

² The militia had been formed on April 16, 1855, in the wake of the "Bogus" territorial election, to defend the rights of those in Kansas Territory who opposed slavery. The organization had originally been called the "Kansas Rifles no. 1," but had changed its name to the "Stubbs" because so many of its members were short in stature.

From: [Owen Abbott Bassett, 1834 - 1896](#), Bassett Family Association website; 1850 U.S. Census, Lee County, Iowa, 9/12/1850; William G. Cutler's History of the State of Kansas, Douglas County, Part 15, [Biographical Sketches \(Abdelal - Bayless\)](#); The Stubbs, by Martha B. Caldwell, Kansas Historical Quarterly, v. 6, no. 2 (May 1937), [pp. 124-131](#); Annals of Quindaro: A Kansas Ghost Town, by Alan W. Farley, Kansas Historical Quarterly, v. 22, n. 4 (Winter 1956), [pp. 305-320](#); [Quindaro and Western University](#), Kansas City Kansas Community College website; [Centropolis Township Created 1855](#), Frank-

lin County, Kansas, Historical Portal website; [Battle of Wilson's Creek](#), Wikipedia website; [The 2nd Kansas Volunteer Cavalry](#), Museum of the Kansas National Guard website; [2nd Regiment Kansas Volunteer Cavalry](#), Wikipedia website; 0683 File #48 Bassett, Owen A., Lieut. Col. [July 1862 and May-June 1863], A Guide to the Microfilm Edition of Civil War Research Collections, Military Discipline during the Civil War, Courts-Martial Case Files from the Records of the Judge Advocate General, by Daniel Lewis, Bethesda, Maryland, LexisNexis, [pp. 16, 17](#); and, [LTC Owen Abbott Bassett](#), Find a Grave website.

Each month, an event from "This Month In Legal History," the history of law and jurisprudence of Douglas County that occurred during that month, is included in the Newsletter. The current entry is also posted for the month on the Law Library's website. Entries from past months are [archived](#) on the website. Submissions from readers are welcome and encouraged.

Law Library Volunteer Opportunities

The Law Library Volunteer Program provides a capable and dependable volunteer work force to assist with the day-to-day operations of the Law Library and with its special projects. This work force supplements the paid Library staff and allows the Library to provide the best possible service to attorneys, local judges, and the public.

The Volunteer Program is instrumental in linking a valuable community resource - the citizens - with a valuable community institution - the Douglas County Law Library - for the benefit, growth, and enrichment of both.

If you or someone you know might be interested in volunteering for one of them, or if you would like more information on our program and/or the positions we have open, please contact the Library or visit the "Volunteers" page on the Law Library's website.

Feedback

This Newsletter is intended to be useful to its readers. As in any enterprise, feedback on how the Newsletter is fulfilling this goal is crucial to our achieving it. If our articles are helpful, let us know. If they are not, let us know. If you have suggestions on how to improve the Newsletter, or comments and suggestions on the Law Library itself, please let us know. For your convenience, there is a link to a [feedback form](#) available on most pages of the Law Library's website. Thank you.

Submitting Articles for Newsletter

The Editor encourages readers to submit articles for publication and/or make suggestions on material to be included in future issues of the Newsletter.

To Subscribe

Contact the Law Library by mail, e-mail, or telephone and request a free subscription to the Newsletter. It will be sent to you as a PDF attachment to an e-mail. The Library's mailing address is: Douglas County Law Library, Judicial and Law Enforcement Center, 111 East 11th Street, Lawrence, Kansas, 66044. The Library's e-mail address is: info@douglascolawlibrary.org. The Law Library's telephone number is: 785-838-2477.

Back Issues

Back issues of the Newsletter are [archived](#) on the Library's website.

Classified Ads

Free classified ads may be placed in the Newsletter by contacting the Law Library. The Editor reserves the right to refuse anything deemed inappropriate and to add restrictions as the need arises.

Organization Membership.

All licensed attorneys are encouraged to join the Judge Hugh Means Inn of Court for another exciting year of programming and professional engagement with other legal practitioners and judges. The meetings will continue to take place at the Lawrence Country Club and will include a new assortment of improved menu items.

The meeting dates for 2013-2014 are as follows: September 26; October 24; November 21; January 23; February 27; March 26; and April 24. Mark your calendar and be sure to attend our first meeting, which will include special recognition of Judge John W. Lungstrum who has been selected to receive the 2013 American Inns of Court Professionalism Award for the Tenth Circuit. This is a great honor for one of our excellent Lawrence area judges.

Complete and return the membership form attached to this newsletter with a check payable to: Judge Hugh Means Inn of Court, P.O. Box 1152, Lawrence, KS 66044-8152. If your payment is received by August 1, 2013, your annual dues will remain the same as last year, whether you are a new or returning member. New members are also invited to attend a reception on September 12, 2013, hosted by Judge Pokorny and including other distinguished guests, such as Judge Lungstrum, Judge Robinson, and Judge Fairchild.

We look forward to you being a part of the local Inn.

Sincerely,
Matthew Todd, Membership Chair



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2013-2014 MEMBERSHIP FORM

Judge Hugh Means Inn of Court – Lawrence, KS Chapter

<http://hughmeans.org/>

Member Information

Full Name: _____
 Preferred name for nametag: _____
 Firm/Court/Organization (if student, law school affiliation): _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: (_____) _____ Fax: (_____) _____
 Email: _____
 Primary vocation: Judge / Attorney / Legal Educator / Student/ Other _____
 Primary areas of law: _____

Membership Level

My membership category for the 2013-2014 Inn year should be: (circle one)

	<u>Student</u>	<u>Associate</u>	<u>Barrister</u>	<u>Master of the Bench</u>
		(1-5 years)	(6-9 years)	(10+ years)
Year admitted to bar		after 2006	2003-2006	Before 2003
Also				Professors & Judges
Enclosed is a check for annual dues: T.B.D.	\$195.00	\$215.00	\$245.00	
<u>IF PAID BEFORE AUGUST 1, 2013.</u>	<u>\$185.00</u>	<u>\$205.00</u>	<u>\$235.00</u>	

Leadership Interests: I am interested in the following areas of Inn leadership:

Leadership/Mentoring	Finance & Budget	Programs	Membership
Social	Administration	Law School Liaison	Court Liaison
Directory	Website	CLE	Any of the above

Masters only: Are you willing to serve as a pupillage team captain? Yes No

Programming Suggestions: _____

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