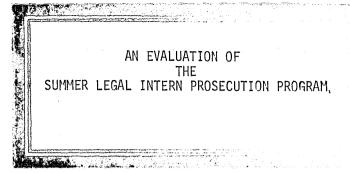
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# AN EVALUATION OF

# THE SUMMER LEGAL INTERN PROSECUTION PROGRAM

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ΒY

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GOVERNOR'S COMMITTEE ON CRIMINAL ADMINISTRATION

FEBRUARY 1975

### ACKNOWLEDGEMENTS

This paper is a compilation and analysis of data gathered between August and November, 1974. The contents reflect comments provided by Tom Boeding (GCCA), many distinguished judges and county attorneys throughout the State of Kansas, and the former student interns who responded to an exhausting and comprehensive questionnaire.

The author wishes to thank all these people for their kind assistance.

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#### I. INTRODUCTION

#### A. PURPOSE

During the months of July and August of 1974, a questionnaire survey was conducted to acquire data regarding the Summer Legal Intern Prosecution Program. This program is sponsored by the GCCA in conjunction with the University of Kansas and the Washbur: University Law Schools and the Kansas County and District Attorneys Association. This was the fifth year that the program was carried on in the state of Kansas. It has grown from an initial number of approximately twenty-five (25) interns to the current number of forty-two (42) interns in living twenty-eight (28) county and district attorneys' offices.

The purpose of this program is to provide senior law students with practical experience and knowledge concerning criminal law and other areas related to the operation of a count and district attorney's office. This experience was given by providing to intern with the opportunity to observe and to participate in the handling of cases, including the filing of complaints, trials, legal research, etc.

The project was designed, in addition to giving practical experience, to interest these prospective attorneys in the field of prosecution, and specifically in the office of the county attorney. The project has had success in this regard which is indicated from the statistical manifestation that approximately forty (40) percent of the previous interns have at some time subsequent to the law school graduation held or are presently holding the position of county or district attorney or assistant county or district attorney.

In the first four years of the program each intern was paid a salary of \$400.00 per month. In 1974 the salary was raised to \$440.00 per month.

Likewise, from 1970 to 1973 the duration of the program was ten weeks. In 1974, the program was extended to twelve weeks.

#### B. SELECTION AND METHOD OF IMPLEMENTATION

The program is initiated each year when notices are sent to all prosecuting attorneys in the state advising them of the program. Those counties which are interested in having an intern(s) for the summer are requested to indicate their interest by returning an agreement to pay the local financial obligation of the program.

The list of interested counties is then turned over to Professor Donald Rowland of Washburn Law School and Professor Keith Meyer of the Kansas University Law School in order that those students interested in participation in the program would know what counties were available for placement of an intern. Interested students aprily to each of their respective law schools for the program. Selection of the interns is made by the law schools based upon certification by the Dean to participate and by filing for a temporary permit from the Kansas Supreme Court.

The baseline qualification for a student to be involved in the program is the ability to be certified under Supreme Court Rule 215\* which requires that the student be: (1) enrolled in a law school in this state or, be a bona fide resident of Kansas enrolled in out of state law school, and (2) have completed at least four semesters of law school, and (3) filed an application for admission to the bar of this state, and (4) be certified by Dean of law school as a person of good character, competent legal ability, and adequately trained to perform as a legal intern, and (5) be introduced to the court in which he or she is appearing by an attorney admitted to practice in that

court, and (6) certify in writing that he or she will abide by the code of professional responsibility of the ABA, subscribe to an oath to support the constitution of the United States and Kansas and will faithfully execute duties of a legal intern. \*[KSA 1973 Supp. 7-124, Rule No. 215]

Among the criteria used by the law schools to determine whether a student is eligible to participate is his or her academic standing, participation in law school activities and extra curricular activities. Additionally, the student's interest in criminal law as well as other factors are considered. The law schools have made the actual determination of which students are to be assigned to participating counties.

Following selection of the students, and orientation seminar is provided where various county attorneys made presentations concerning the various problems which may be encountered by the intern during his service to the county. Each of the interns then reported to his respective office and were assigned duties by the county attorneys.

During the term of the project, various methods were used by county attorneys to train the interns in their office, based on the individual county's caseload and other factors.

#### C. FORMER EVALUATION

In 1972, a survey and evaluation was conducted by the Kansas County Attorneys Association. Each county attorney was required to submit a written evaluation of the project and his intern for the time spent in the office. Each intern was required to submit a written evaluation of the project in terms of benefit to him, and was requested to make criticisms and suggestions for improving future intern programs.

The Orientation Seminar was criticized by the interns participating in it. The general feeling was that the orientation period, while having some merit, was too long and too general to be of great benefit to the interns. Almost unanimously the interns would rather have spent this time gaining practical experience in the county attorney's office rather than using the orientation method. This critique was given in 1972, and since then the orientation was reduced from one week to a few days. This will allow the interns the maximum amount of time possible to gain the practical experience in the various county and district attorney's offices.

The second problem area discovered in 1972, occurred in Wyandotte County where one of the Magistrate judges refused to allow the interns to practice in the Magistrate Court. The remaining Magistrate judges went along with this concept, and until late in the summer when the original Magistrate went on vacation, it was not possible for the interns to practice in Magistrate Court. Steps were taken by discussing the matter with various judicial officials and since, the problem has not reoccurred.

#### **II. CURRENT EVALUATION**

The current study and evaluation undertaken by the GCCA can be considered multi-purposed.

A survey was conducted upon former legal interns who participated in the program during the years 1970 to 1973 inclusive. The purpose was not only (1) to get their personal observations and opinions about the program, but equally important (2) to discover what influences the program had upon their careers subsequent to law school graduation.

A survey was also conducted upon the county and district attorneys who

participated as recipients in the programs as well as the various judges who actually came in contact with the prosecutor interns.

A. QUESTIONNAIRE DESIGN

Due to the diversity of perspectives available in viewing the Summer Prosecution Program, three distinct and varied questionnaires were implemented for this evaluation. The questionnaire designed for the intern was the most comprehensive, as the program exists originally for their benefit. Also it is the intern that is most closely in contact with the idiosyncrasies of the program from beginning to end.

The county attorneys questionnaire was designed, of course, to get a professional view of how the Program works to benefit the student, how it works to benefit the county or district attorney's office, and how it may work to have a positive impact on the Criminal Justice System as a whole. The judges, we felt, should also have input to this evaluation. Although the exposure to the program is mining if at this level, their ideas and reactions to the program are significant.

#### **B. INTERN QUESTIONNAIRE**

NAME	,		
COUNTY INT	ERNED		- ****
COUNTY ATT	Y	•	

 Subsequent to your participation in the Summer Prosecution Program, have you been employed in a prosecutorial or closely related position? If so, what was the nature of the position and for how long were you employed?

2) Have you been employed since law school graduation:

as a public defender with a prosecutor association within the Justice Department with an Attorney General's office as law clerk for a judge with an enforcement divi ion of a government agency

If so, where and when?

3) If, since law school graduation, you have been employed as a prosecutor, was this job in any way a result of your participation in the Summer Prosecution program?

4) If you are presently not employed as a prosecutor what is your current job? how long? 5) As you recall, approximately what percent was your intern work involved with civil law\_\_\_\_\_%; criminal law\_\_\_\_\_%?

dia?

- 6) (a) During your internship, in what area do you feel you received the most abundance of knowledge? (please rank lst, 2nd, 3rd)
  - (b) New Knowledge?

<u>a</u>	<u>b</u>
Role of counsel for defense	
Role of prosecuting attorney	
Prosecutor's discretion	
Procedures for arrest	
Search Warrants	
Interrogation	
Plea negotiation	
Trial Procedure	
Appeals	
Judgments and Sentencing	
Legal Research	·
other	

- 7) From the above list, what particular area interested you the most as an intern?
- 8) Was the experience you gained as an intern:

\_\_\_\_\_comparable to what you expected \_\_\_\_\_less than you expected \_\_\_\_\_greater than you expected

9) Breaking down any given 40-hour work week, how many hours did you spend on the following activities:

filing complaints
lega'l research
trials
other
40 tota1

- 10) In your opinion does the Summer Prosecution Program provide a significant supplement to the tradition law school case study method?
- 11) Do you feel that the intern program was a significant step in preparation for actual practice:

as a prosecutor for the general practice of law a combination of both

- (a) On a scale from 0 to 10, how would you rate the effectiveness of the summer intern program as preparation for becoming a prosecutor?
   (b) as an introduction and suprementation for becoming a prosecutor?
  - (b) as an introduction and exposure to the prosecution field?\_\_\_\_\_.
- 13) Would you recommend the program to other senior law students?\_\_\_\_\_
- 14) Did you feel you received adequate supervision and instruction?\_\_\_\_\_\_
  (Please comment)

15) If you can recall, in what way did the Summer Prosecution Program affect your perception of the criminal law and the Criminal Justice System.

16) Reflecting on your experience as a Summer Prosecutor, would recommend any changes in the program?

17) Please make any additional comments concerning the program which you feel are relevant?

Thank you for responding

#### C. INTERN RESULTS

Of the one-hundred-thirty-five (135) questionnaires mailed out, eighty-five (85) former interns responded (63%). The results indicate that thirty-three (33) or forty percent (40%) have been employed in a prosecutorial or closely related position subsequent to participation in the Program. Many attribute the Program as a direct or indirect factor which led to these positions.

While interning, it was noted that overall, an average of twelve percent (12%) of each total intern's work was involved with civil law while eightyeight percent (88%) of their work was with criminal law. The most abundance of knowledge was reflected in the <u>role of presecuting attorney</u>, followed by <u>trial procedure</u>, <u>prosecutor's discretion</u>, and <u>council for defense</u>. The most abundance of "new" knowledge was in the are: if <u>trial procedure</u>, followed by <u>role of presecuting attorney</u>, prosecutor's discretion and <u>plea negotiation</u>.

Ninety-five percent (95%) of the interns responding felt that the Summer Legal Intern Program was comparable areater than their expectations. On a scale from 0 (minimum) to 10 (maximum), those responding rated the effectiveness of the Summer Intern Program as preparation for becoming a prosecutor at <u>8.3</u>; as an introduction and exposure to the prosecutor field, the Program was rated at 9.3.

One-hundred percent (100%) responding to the survey felt the Program provided a significant supplement to the traditional law school case study method. One-hundred percent (100%) also indicated that they would recommend the program to other senior law students.

The Summer Prosecutors Program affected the intern's perception of the criminal law and the Criminal Justice System in a variety of ways.

Some responses include:

- a need for improvement of police training (1)
- (2) provided a view of the power of prosecutor's discretion
- (3) showed the need for flexibility in day to day problems
- (4) brought some idealism down to reality regarding the CJS
- (5) (6) system is too lenient with offenders with no regard to the victim
- heavily favors defendant
- (7) system works as well as it's prosecutors
- (8)"one-sided" in favor of prosecution in most instances
- (9) need to educate the public to the CJS
- learned to appreciate role of the police (10)
- (11)saw prosecutions perspective vs the defense perspective, which is emphasized in law school

Some changes in the program, recommended by those responding, included

such ideas as:

- incorporate a mock trial with instruction into preparation week (1)
- (2) program should be expanded
- (3) stress adaquate supervision of interns
- (4) opportunities to participate should be expanded
- intern should not be used for research alone (5)
- perhaps a seminar following the internship to make recommendations (6)while feelings are still fresh in mind

Some additional comments which the interns responding felt were relevant

included:

- program highly worthwhile and should be continued
- 2) positive and helpful in every respect
- (3) excellent training program
- (4) raise the pay
- (5) good preparation for general practice, particularly trial work
- (6)prosecutors need a raise to make a career more appealing
- (7) good program
- (8) interns should not be utilized simply as research assistants
- (9) students who are intern candidates should not take advanced criminal procedure until after internship
- (10)attorneys should give interns a great amount of leeway and responsibility
- (11)program should be continued at any cost

#### D. COUNTY ATTORNEY QUESTIONNAIRE

COUNTY
APPROXIMATE POPULATION

- (1) How many students do you generally have interning in your office?\_\_\_\_\_
- (2) What are the primary functions your interns perform during any given week?

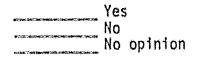
(3) Has the presence of one or more proceduting interns benefited your office?

If yes, in what way? If no, why?

(4) Has the presence of a summer intern in your office:

created more work for you allowed your office to keep even with the caseload allowed your office to keep ahead of the caseload and devote more time to individual cases

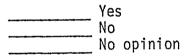
(5) Do you think that participation in the Summer Prosecution Program has encouraged sonior law students to enter prosecution work?



- (6) (a) On a scale from 0 to 10, how would you rate the effectiveness of the summer intern program as preparation and training for becoming a prosecutor?
  - (b) as an introduction and exposure to the prosecution field?\_\_\_\_
- (7) How would you rate your own personal satisfaction with the Summer Prosecution Program as it exists?

Completely satisfied Satisfied Slightly satisfied Neither satisfied nor dissatisfied Slightly dissatisfied Dissatisfied Completely dissatisfied (8) Other things being equal, would you give preference in hiring someone who has participated in the program over someone who has not?

- (9) Do you agree or disagree with the statement that law school courses dealing with the criminal law are defense oriented rather than prosecution oriented?
- (10) If your response to the above question is that you "agree", do you feel that participation in the Summer Prosecution Program adequately balances this perspective?
- (11) If your response to the statement in #9, is "agree", do you think the law schools should put more emphasis on the prosecution in law school courses dealing with the criminal law?



(12) Please make any additional comments concerning the program which you feel are relevant.

## E. COUNTY & DISTRICT ATTORNEY RESULTS

Of the twenty-siz (26) attorneys polled, twenty-five (25) (96%) responded to the survey. The indicated functions that their interns performed during any given week include, research, preparation for trials, second-chair felony trial appearance, interviews of witness, appearing in court on juvenile matters and traffic cases, and practically every other function that a county attorney performs. One-hundred percent (100%) of those responding indicated that the presence of one or more interns benefited their office. Ninety-four percent (94%) felt that having the intern, allowed them to keep even or ahead of their caseload giving the attorneys' more time to devote to individual cases.

On a scale from  $\Omega$  to 10, the average rating of the effectiveness of the Program as preparation and training for becoming a prosecutor was <u>9.0</u>; as an introduction and exposure to the prosecution field, the rating averaged <u>9.7</u>.

Personal satisfaction with the Summer Prosecution Program as it exists revealed:

9 (39%) Completely Satisfied

14 (56%) Satisfied

2 (5%) Slightly Satisfied

(no lower responses indicated)

The response was unanimous that, other things being equal, the county attorneys would give preference in hiring someone who has participated in the Program over someone who has not.

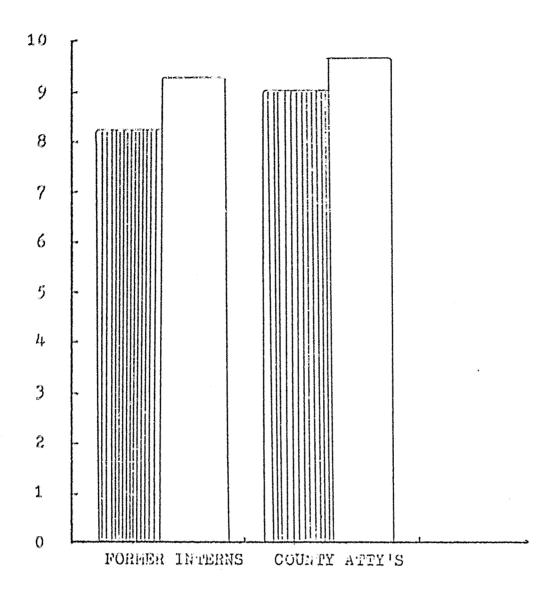
In response to the question, "Do you agree or disagree with the statement that law school courses dealing with the criminal law are defense oriented rather than prosecution oriented?", twenty-two (22) or eighty-eight percent

(88%) "agreed". Nineteen (19) or seventy-five percent (75%) further indicated that law schools should put more emphasis on prosecution in law courses dealing with criminal law.

The overall attitude expressed by the attorneys was favorable. The attorneys seemed to delight in the fresh opinions the interns brought with them. A correlation of the opinion that the student should have a little more practice at trial work, prior to serving the internship, was noted. Some felt that the attorneys themselves should have a little more input in selection of the intern who will serve in his particular office. One district attorney indicated he felt the Program was so beneficial that if it were discontinued, he would make an effort to continue having interns in his own office at his own expense.

It's their hope that interns who are adequately motivated to participate in trial experiences are able to be involved and those who are not screened out.

F. SURVEY RESPONSES



On a scale from 0 to 10, those responding to the effectiveness of the Summer Prosecution Program as preparation for becoming a prosecutor;

as an introduction and exposure to the prosecutor field

#### G. JUDGES QUESTIONNAIRE

NAME	
COUNTY	

- (1) Approximately how many summer prosecutor interns can you recall having had before you in court proceedings?\_\_\_\_\_
- (2) What is your general reactions to the manner in which they handled themselves?

completely satisfied
satisfied
slightly satisfied
neither satisfied nor dissatisfied
slightly dissatisfied
dissatisfied
completely dissatisfied

- (3) If you had the opportunity to observe particular interns periodically, were you able to discern any noticable improvement in their performance of their duties?
- (4) Do you agree or disagree with the statement that law school courses dealing with the criminal law are defense oriented rather than prosecution oriented?

\_\_\_\_agree \_\_\_\_disagree \_\_\_\_no opinion

(5a) If your response to the above question is that you "agree", do you feel that participation in the Summer Prosecution Program adequately balances this perspective?

\_\_\_\_yes \_\_\_\_no \_\_\_\_no opinion

(5b) If your response to the statement in #4, is "agree", do you think the law schools should put more emphasis on the prosecution in law school courses dealing with the criminal law?

\_\_\_\_yes \_\_\_\_no \_\_\_\_no opinion H. JUDGES RESULTS

The judges questionnaire was kept brief because of their limited exposure to the performance of the interns. Of those twenty which responded, all, except one, were either <u>Satisfied</u> (43%) or <u>Completely Satisfied</u> (52%) with the manner in which the interns handled themselves in hearings on other court proceedings. The particular judge which indicated he was slightly dissatisfied did not indicate his reason. Twenty-eight (28) of the thirty-six (36) judges (77%) responding indicated that when they had the opportunity to observe particular interns periodically, that they <u>were</u> able to notice improvement in the performance of their duties.

Most judges had no opinion regarding the question, "Do you agree or disagree . . . law schools are defense oriented rather than prosecution oriented". However, of those replying, eight (8) (22%) "agreed", three (3) (9%) "disagreed", while twenty-five (25) (69%) had no opinion.

Overall, comments from the judges were also favorable. One particular comment stressed that, "more emphasis in law school needs to be placed on the fact that the majority of criminal cases involve factual issues only. Legal or constitutional issues are in a small minority."

#### III. CONCLUSION

When Chief Justice Warren E. Burger spoke to the American Bar Association meeting in August of 1969, he questioned the present case-book method of legal education and encouraged the recent progressive developments in certain law schools, of "clinical education".

The most obvious observation of the effect of the Summer Prosecution

Program on the students was their increased awareness of the benefit of their legal education -- "thinking like a lawyer". Students were forced to analyze their legal training in deduction of principles of law and relate it to particular fact situations. Research of the law had to be combined with careful analysis of the evidence available to work out the theory of the case. General principles had to be applied to specific crimes and application of facts to crimes. Specific statutory definitions and common law principles had to be applied to specific fact patterns. As the summer proceeded, students improved their skills in analyzing problems and in studying the law as an entity and as applied. The one main criticism of the case-book method is that students do not learn the human side of the administration of justice.

The Summer Prosecution Program, over the past five years, has been shown to be not only valuable training for the students, but also valuable for the instructors. The fresh ideas and insights of the student prosecutors aided the county and district attorney's office, and were sometimes adopted as policies.

It is felt that all participants in the project benefit. The prosecutor is benefited by being required to teach his trade to another, with the intern benefiting from the practical experience he received. The Criminal Justice System of Kansas is benefited by the creation of interest to pursue the prosecutorial profession by participants in the program.

The overall analysis tends to indicate the program as accomplishing its goals with a high degree of success. Relative data concerning this statement are available for inspection.

#### IV. SUMMER INTERN LIST

# A. SUMMER INTERNS FOR 1970

NAME Doug Richards Kathy King Al Mason John Martin Phil Knighton Bart Eisfelder Avis Badke Darrell L. Warta

Tom Fisher

Montgomery Reno Sedgwick Sedgwick Shawnee Shawnee Shawnee

Johnson

...\*

COUNTY

Douglas

NAME Dan Dannenberg Ron Kimzey Lossen Pike Sam Pestinger Doug Waters Bary Arbuckle Frank Jenkins Ben Lightfoot John Willard John Kelly Joe Smith Jean Owen Larry Hogan Alex Walczak Tom Borniger Roy Lancaster

COUNTY Barton Douglas Finney Geary Leavenworth Sedgwick Sedgwick Johnson Johnson Johnson Johnson Johnson Wyandotte Wyandotte Wyandotte Butler

. . . . . . . . . . . . . . . .

#### B. <u>SUMMER INTERNS FOR 1971</u>

NAME Dan R. Lykens Dan L. Brewster William H. Yandell Dale E. Hartung William Grimshaw Douglas S. Wolsieffer Douglas J. Irwin John T. Moore James M. Peters Montie Deer Dennis L. Gillen Thomas F. Sullivan Daniel S. Garrity

COUNTY Atchison Cherokee Jefferson Johnson Johnson Lyon Sedgwick Sedgwick Sedgwick Shawnee Shawnee Shawnee

NAME Jerry Harrison Samuel Fleming Robert Farmer, II Christopher Smith Richard Gram Don Ramsey John Barbee John Lowe Ronald Boulware Gerald Hertach John Price R.B. Miller, III Robert Nicholson Glenna Lichty Jerry Peterson Phillip Martin Paul Miller Larry Rousey Steve Joeseph William Kitch Richard Lester Michael Klampe

#### COUNTY

Barton Butler Crawford Douglas Douglas Ford Geary Harvey Johnson Johnson Leavenworth Leavenworth Miami Montgomery Pratt Reno Riley Sedgwick Sedgwick Sedgwick Wyandotte Wyandotte

## C. SUMMER INTERNS FOR 1972

NAME Leonard L. Scott Dallace F. Davis Louie L. Barney David J. Heineman Jerry L. Ricksecker Gary L. Nafziger Jim Marquez William C. Ellis Richard M. Raleigh Theodore M. Wilch Stephen G. Cooper Ron H. Harden George J. Savin, Jr. Robert A. Pool Randy L. Baird Ronald E. Wurtz Thomas D. Haney, Jr. John W. Johnson Jerry Wertzbaugher

COUNTY Atchison Butler Crawford Finnev Franklin Jefferson Johnson Johnson Pratt Riley Riley Sedgwick Sedgwick Sedgwick Shawnee Shawnee Shawnee Sumner Wyandotte

NAME Robert Dallman Lowell G. Sharbutt Robert Fairchild John J. Gonzales Jav S. Tedford Richard B. Walker Courtney E. Berry Mike Sullivan David Scott Mike K. Denney James R. Brock Mike G. Patton Mark Edwards Mary K. Beck Hugh D. Barr Dave Swenson Eric Stinson Warren McCamish, Jr. Dennis L. Harris

\*\*\* \* \* \* \* \* \* \*

COUNTY Barton Crawford Douglas Douglas . Ford Harvey Johnson Johnson Labette Leavenworth Leavenworth Lyon Miami Morris Sedgwick Sedgwick Sedgwick Wyandotte Wyandotte

D. SUMMER INTERNS FOR 1973

NAME Mary Slattery Michael K. Schmitt Gary L. Lane Richard E. Samson Gary D. Lawson Tracy J. Thull Richard A. Euson Gary Austerman Wendell F. Cowan Robert B. Keim John E. McElroy Thomas L. Boeding Gary D. Paulsen Evan Nightingale <u>COUNTY</u> Atchison Dickinson Jefferson Johnson Lyon Osborne Riley Sedgwick Shawnee Shawnee Shawnee Wabaunsee Wyandotte Seward

NAME Darrell D. Dreiling Geary Gorup David Davis Edward Euwer Donnalee Steele Theodore Hollembeak Joe Speelman Jon Indall Karsten Knutson John Roth Micky Morman Dennis Dietz Hall Triplett Thomas Bright Douglas Miller Stephen Foster David Burns Marvin Cook Edward Pugh Patrick Sirridge Georgia Staton Eldon Shields Gerald Jesserich Larry Leonard

COUNTY Barton Butler Crawford Crawford Douglas Douglas Ford Franklin Harvey Johnson Labette Leavenworth Leavenworth Montgomery Reno Riley Sedgwick Sedgwick Sedgwick Sedgwick Sedgwick Sumner Wyandotte

Wyandotte

## E. SUMMER INTERNS FOR 1974

NAME Darrel Shumake Dennis Kirk Mike Quint Terry Malone Sharon Werner James Thompson Tim Brazil Charles Rayl Stephen Hill Jennifer Ewbank William Frost Kim Richey Richard Cordry David Fisher Robert Green Richard Ross Russell Lingsen Sue Hawver John Peterson Greg Colston

COUNTY Cherokee Crawford Finney Ford Gray Jefferson Labette Lyon Miami Montgomery Riley Sedgwick Sedgwick Shawnee Shawnee Shawnee Sumner Wabaunsee Wyandotte Wyandotte

NAME Stephen McGiffert Cynthia Robinson Tom Weilert Robert Olson Cynthia Claus Roger Walter Michael Moffet John Yoder Linda Legg Bryson Cloon Charles E. Hoke James Clark Jan Hammer Stephen Robison Russell Davisson Charles Gentry Jeff Easterday Nancy Lahman Karen Clegg Jack Lowe Ross Schimmels Victor Bergman

Atchison Barton Butler Dickinson Douglas Ellis Franklin Harvey Leavenworth Leavenworth Osborne Pratt Riley Sedgwick Sedgwick Sedgwick Reno Seward Shawnee

Thomas

Trego

Wyandotte

COUNTY

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# END

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