

DCBA GRIEF

The Disgrace of the DuPage County Bar Association



The DCBA Presents

A FEW

BAD

JOKES

13

14

15

16



I want the Grief!



You can't handle the Grief!



Excuse me Waiter, I ordered the Code Red...

"We don't have Tom Cruise or Kevin Bacon, but feel free to play 6 Degrees to Kevin Millon!"

VIVA LA REVOLUTION!

**INCOMING DCBA PRESIDENT TED DONNER
IS GOING TO REVOLUTIONIZE EVERY
COMMITTEE KNOWN TO MAN
(AND SOME WE HAVE NEVER HEARD OF)**



BEARS FOR A BEARABLE TOMORROW; ALTERNATIVE DISPUTE RESOLUTION; AMERICANS FOR MORE RHOMBUS; ADR AMONG THE BENCH AND BAR; ANIMAL LAW; ALDO AND JEANNE SCAGLIONE PRIZE FOR A TRANSLATION OF A LITERARY WORK SELECTION COMMITTEE; APPELLATE LAW AND PRACTICE; COMMITTEE ON THE NEW VARIORUM EDITION OF SHAKESPEARE; BANKRUPTCY LAW AND PRACTICE; BUSINESS LAW AND PRACTICE; BUCK UP TO BEEF UP AMERICA; CHILDREN'S ADVOCACY; CIVIL LAW AND PRACTICE; THE COMMITTEE FOR THE DEVELOPMENT AND IMPLEMENTATION OF FORCED TEAM BUILDING AND MORALE IMPROVEMENT CONTINUING LEGAL EDUCATION; CRIMINAL LAW AND PRACTICE; DIVERSITY; DOGS AGAINST ROMNEY; EDITORIAL BOARD; ELDER LAW; BUREAU OF LEVITY AND FRIVOLITY; ESTATE PLANNING AND PROBATE LAW AND PRACTICE; FAMILY LAW AND PRACTICE; HEALTH CARE LAW COMMITTEE; IMMIGRATION; INTELLECTUAL PROPERTY COMMITTEE; OVERBEARING COWORKERS; JUDGES' NITE; WORKPLACE BLISS COMMITTEE; JUDICIARY; LABOR AND EMPLOYMENT LAW AND PRACTICE; AMERICANS FOR A MORE AMERICAN AMERICA; LAW DAY; AMERICANS FOR A MORE AMERICAN AMERICA; FUN C.R.A.P. (COMMITTEE FOR RECREATION AND PARTIES); LAW IN LITERATURE; LAW PRACTICE MANAGEMENT; OXYMORON COMMITTEE; LAWYER REFERRAL SERVICE; LEGISLATIVE; LOCAL GOVERNMENT; MEDIA; MEMBERSHIP; NEW LAWYERS'; PARALEGAL COMMITTEE; PLANNING COMMITTEE; PROFESSIONAL RESPONSIBILITY COMMITTEE; BEARS FOR A BEARABLE TOMORROW; REAL ESTATE LAW AND PRACTICE; TAX LAW AND PRACTICE; ALDO AND JEANNE SCAGLIONE PRIZE FOR A MANUSCRIPT IN ITALIAN LITERARY STUDIES SELECTION COMMITTEE;; COMMITTEE ON AMENDMENTS TO THE CONSTITUTION; COMMITTEE ON CONTINGENT LABOR IN THE PROFESSION; FENIA AND YAAKOV LEVIANT MEMORIAL PRIZE IN YIDDISH STUDIES SELECTION COMMITTEE.

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The *DCBA Grief* is the property of the *DCBA Brief* is property of the DCBA Editorial Board is property of the DCBA and anything we put in here is ours, no takesies backsies. Like anyone would want to reprint this junk anyway. One might think we would have some lawyers review this stuff before we print it. Silly readers. Any ridiculous opinions, outrageous statements, uncalled for remarks and snarky comments are property of any fool that wants to take a chance on a libel suit, although we would be happy to attribute them to any one of our obnoxious editorial board members or perhaps Leslie Monahan. Seriously though, we had lots of fun making fun of ourselves and our members and plan to do it again next year so beware. If anyone actually reading this thing thinks he or she is funny then send along whatever you have and we will give it to Chris Maurer who will totally change it to reflect his own warped sense of humor; don't worry though, we will still publish it under your name so you get alllllll the credit and the flying rotten tomatoes in the parking lot. If you don't like something we wrote about you in the *Grief*, or on the bathroom walls, tough noogies and neener neener neener because we aint gonna say sorry.

DCBA GRIEF

The Journal of the DuPage County Bar Association

VOLUME 9, ISSUE 1
APRIL 2015

Raleigh Kalbfleisch
as Riley Kibbles and Bits

Christine McTigue
as Chrissie McTiggy

Kathleen May
as Katie McMonkey McMay McBean

Anthony Abear
as Antny Carebear

Terrence Benshoof
as The Old Guy in a Cape

Erica Bertini
*as Erica I Aint Been to a Meeting All
Year*

Jonathan Crannell
as Johnny Cranks

Kim DiGiovanni
as Kim DUI

Joseph Emmerth
as Ghost Writer Joey E

James McCluskey
as Jimmy Cluck Cluck

Ross Molho
as Ross Mudbut

Steven Mroczkowski
as Stevie Rocketskis

Azam Nizamuddin
as Shazam Nicolodeon

John Pcolinski
as John Pcolonoscopy

Melissa Piwowar
as Mellie Bee

Aaron Reinke
as Iron Binky

Arthur Rummeler
as Artie Bear

James Ryan
as Jimmy the Ripper

Jordan Sartell
as Jordan the Elegant

David Schaffer
as The Other Old Guy on the Board

Michael Sitrick
Ted's next Henchman

Lawrence Stein
as Larry Beerglass

Eric Waltmire
as Eric on-Waldenpond

Jacki Hamler
*as Jacquenetta Ghost of
Hamlet's Father*

Fifty Shades of Gray

Hair Salon for DCBA Lawyers



***Is the sadistic pace of
your law practice
giving you more gray hairs
than you'd like?***



Come in for the full treatment.

Smack that hair back into submission!

You're bound to love the way you look.

You won't leave until we're satisfied!



It Takes a Village of Idiots

BY CHRISTOPHER J. MAURER



What you hold in your hands is the culmination of a dozen volunteer lawyers desperately trying to be funny. Keep in mind, lawyers are not stand-up comedians, as most of our work is conducted sitting down. On the few occasions that we are standing up, the comedy is usually unintentional and in the form of bad cross-examination questions: “Mister Smith, how far apart were the two cars at the time of the collision?” or “Miss Jones, did you survive the operation?” In any event, as the editor of this *Onion*-wannabe (more of a shallot actually), I take full responsibility for the inevitable eye-rolls, head-scratching, and disgusted letters to the editor — the “nyuk” stops here. However, I will not be blamed for the dirty limerick on page 16 that was published over my specific objection. I will now pause while everyone turns to page 16...

The day-to-day practice of law is serious business, but if we don't remind ourselves to laugh, to breathe, and to transcend the often grim facts of the cases we handle, we might just burn out or twist ourselves into emotional knots. The ways to unwind after a hard day of lawyering

are myriad. Do some yoga (hot or cold). Enter a competitive frankfurter eating challenge. Better yet — read the *Grief!* It has fewer calories than a hotdog, and you won't have to stick your keister in the air doing the downward-dog.

This is my first time editing the *Grief!*, and when our beloved Editor-in-Chief, Raleigh Kalbfleisch, assigned me the task of doing so, I immediately suggested we make fun of her unusual name. She said “Absolutely not!” and went on a lengthy rant about how the spelling of a person's name is sacrosanct, and some other powerful points that I've since forgotten. Just ask our illustrious Chief Judge. However, we need to fill space in this rag, so without further ado, here are the common alternative pronunciations and spellings for “Raleigh Kalbfleisch”:

- Roasted Catfish;
- Ritz Cracker-feast;
- Roaring Car-fire;
- Really Cold-out; and
- Rue McClanahan;

The next time you're dealing with Ms. McClanahan in court, feel free to use any of these alternatives.

I believe it was Rowdy Roddy Piper who once said, “It takes a

village to raise a child.” Well, in the case of this issue of the *Grief!*, it took a whole pack of village idiots to get this monstrosity to print, including but not limited to **Jonathan Crannell, Christine McTigue, Raleigh Kalbfleisch, Melissa Piwowar, John Pcolinski, Terrence Benshoof**, and many others. I want to particularly thank Jonathan Crannell for devoting his time and comedic photo-shopping talent to this issue.

As you can see, this year's edition of the *Grief!* comes to you in Astounding 2-D! We looked into making a 3D edition with glasses and all, but that stuff costs some serious coin, and someone (**Jacki Hamler**) blew this year's budget on McDonalds Monopoly Game Pieces (If anyone has Boardwalk, please see me at the ARC).

A “pop-up” book concept was also developed for consideration, but the bounds of decency preclude me from describing it. Suffice it to say, the only way I was able to nix that god-awful idea was to agree to leave in that dirty limerick on page 16. I will pause again so everyone can turn again to page 16...

Now, on with the full frontal stupidity! □

Chief Judge's Chamber of Secrets

DuPage County's Courtroom Assignment System Revealed!



After years of head-scratching, our investigative reporters have uncovered the secret method of judicial courtroom assignment in DuPage County. The system is simple: each judge has his or her face on a Plinko chip and each year the chief judge lets the chips fall where they may. When asked if she thought the system was fair, Judge Creswell shook her Magic 8 Ball and replied, "Signs point to yes."

Our team had a chance to break the news to Judge Russo who muttered under his breath, "well, this explains a lot." He declined to comment further citing a need to pack his belongings for yet another move.





NEWS & EVENTS

INGRIEF

BY TERRENCE BENSHOOF

Judges' Nite 40th Anniversary Show This year's event marked the 40th anniversary edition of the annual fundraiser and judicial slap-fight, and it topped all past performances in the money and bad jokes category. Producer **Christina Morrison** attributed the success to the added time to mingle, the additional bars with bartenders that significantly over-poured, and the spectacular silent auction prizes available. *InGrief* notes, however, that the big money in the silent auction was spent on the right to cancel the singing duet of **Nick Nelson** and **Jeff Jacobson**, which had been the highlight act from which the name of the show had been developed.

DCBA Presidency In preparation for the presidency of **Jay Laraia**, the Justinian Society will open a pasta and pizza concession in the ARC. This new feature will be in addition to the continued Donut Thursday. The membership of the DCBA is still pushing for a wet bar, since- let's face it- some days in the courthouse just make it a necessity.

This year's election for Third Vice President developed a never-before-seen twist, as seemingly unopposed candidate **Matt Pfeiffer** suddenly found himself in a run-off with last minute entry "**Chuy**" **Garcia**. Garcia said he was just hedging his bets if he couldn't upset Rahm.

In the Committees The recent rapid turn-over of judges in the 18th Circuit due to retirements and

elevations of Associate Judges had put quite a time burden on the Judiciary Committee. In an effort to meet the deadlines imposed by the Circuit's need for quick action, the Committee rules for recommendations were changed. To receive a favorable recommendation in the future, candidates must simply indicate whether they are currently, have been or will be: 1. An Assistant State's Attorney; 2. An Assistant Public Defender; 3. A friend or neighbor of a Supreme Court Justice; or, 4. John Pcolinski.

Budget Crisis The budget proposals by the **Bruce Rauner** administration have put strains on the court system, resulting in several changes around the courts in an effort to raise funds for necessities. Reviving a proposal from past court administrations, reserved parking spaces in the outdoor lot will be auctioned, with the proceeds used to cover the deficit in the court reporters' budget. **Mike** and **Pat Edgerton** will be charged pasture fees for feed and corral space on the adjacent Fair Grounds.

In addition, new mini-lockers will be installed in the foyer area of the courthouse, with fees charged to those who forgot to leave cell phones and other prohibited items at home or in their cars. Sheriff **John Zaruba** has voiced opposition to this concept in the past, for security reasons, but these concerns have been allayed by making the lockers clear plexiglass, with a master key available to the doorway

security. As before, dangerous items, such as weapons, explosives, knives, sharp wits, and sharp tongues will not be allowed in the building.

Our DCBA People *InGrief* continues to scoop the media outlets for those news items about our membership.

InGrief has scoured the DCBA Membership Directory, and notes a number of "new firms we'd like to see": The Knight & Day firm. Or Stock and Bonds. And there'd be the interesting combination of Fish, Sturgeon, Bass & Krill, Byrne, Byrne, Byrne, Byrne; Berns & Harth. How about Small, Casas the real estate firm? Diamond and Hruby or Carbon, Ates? Would a merger of DuPage and Cook practitioners work, under the heading of Bird & Katz? What about the Pope and Bishop establishment? Without doubt, Butcher, Baker, Miller & Cook would be very compatible! They could easily merge with a Coffey & Coco firm as well.

A Hunt & Peck firm would easily work, while a Hunt & Chase firm would be more aggressive in finding clients; but Fox & Wolfe should be wary of them. King & Earl sounds quite courtly, while Opal & Diamond would make a gem of a team. The Doerr, Bell firm? Ketchum, Bond, Judge & Jaile might be a bit too Grimm & Gross. Perhaps the personal injury firm of Bump & Dent? *InGrief's* brain is tired now, so until next year... □



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High Times Says:
"Woah...dude, this is some sticky, skunky software!"

Rated 5/5 Pot Leafs!





The DCBA Brief is a publication of the
DuPage County Bar Association
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Lynn Cavallo—

Lt. Cdr Joanne Galloway

James Laraia—

Lt. Daniel Kaffee

Ted Donner—

Capt. Jack Ross

Gerry Cassioppi—

Lt. Sam Weinberg

Pat Hurley—

Lt. Jonathan Kendrick

Greg Adamo—

Col. Nathan Jessup

Mark Bishop—

Pfc Loudon Downey

John Pleviak—

Dr. Stone

Art Rummler—

Lt. Col. Matthew Markinson

Leslie Monahan—

Bailiff

Katie Becker—

Guard 1

Terry Benshoof—

Pfc. William Santiago

Kim Davis—

Guard 2

Pat Edgerton—

Man in bar

Jim Harkness—

Another Man in bar

Stacey McCullough—

Aunt Ginny Miller

Wendy Musielak—

Capt. Whitaker

John Pcolinski—

definitely not Judge Randolph

Matt Pfeiffer—

Capt. North

Chantelle Porter—

Capt. West

Jim McCluskey—

Airman Cecil O'Malley

John Pankau—

Airman Anthony Rodriguez

Lawyers Lending A Handgun Event Expected To Be A Blast

Falling traffic school attendance and increased interest in concealed carry permits have led the Lawyers Lending a Hand committee of the DCBA to plan a Lawyers Lending a Handgun event. The basement of the Bar Center will be transformed into a gun range and all manner of instruction in proper handling of firearms and assistance with the application process will be offered. “We’re pleased to set our sights

on serving this important need in our county,” says ad hoc Chair **David Sigale**. The committee will offer its help in completing the application free of charge and the association will charge reasonable fees for the use of the indoor range. “I think it’s a great idea. Up until now all we have used that basement for is board meetings where people just shoot their mouths off,” quipped former DCBA President **Sharon “Loose Cannon” Mulyk**. □

“DuPurge” Day Announced

For those of you unfamiliar with the award winning film *The Purge* and it’s equally powerful sequel, *The Purge: Anarchy*, the premise is simple: The government establishes one night a year (known as the Purge), during which all crimes are considered legal, and police and emergency services are shut down, to promote societal catharsis and healing. As a result, crime rates go down for the rest of the year and everything is rainbows and sunshine. Adapting this concept, the Wellness committee of the DCBA has requested and received approval for a one-day dispensation from the Illinois Supreme Court Rules, Code of Civil Procedure, and local circuit rules.

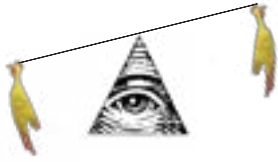
DCBA Wellness Committee Chair **Skippy Hurley** has announced that May 29th will be “the DuPurge”

when attorneys will be free to ignore notice requirements for motions, page restrictions for briefs, check-in times for court appearances, and the general rules of civility. This means that practitioners on the 3rd floor will be calling the day “business as usual”.

Judges will also celebrate the DuPurge by ignoring the rules of evidence, making snide comments from the bench, throwing away courtesy copies in the trash without reading them, and posting to Facebook during closing arguments. This means that practitioners on all floors will also be calling the day “business as usual”.

The DuPage Sheriff’s office will also be joining in the fun. Anyone not wearing an officially sanctioned *Don’t Taze Me Bro!* T-Shirt will be fair game. □

ANNOUNCING THE NEW DCBA CHAPTER OF



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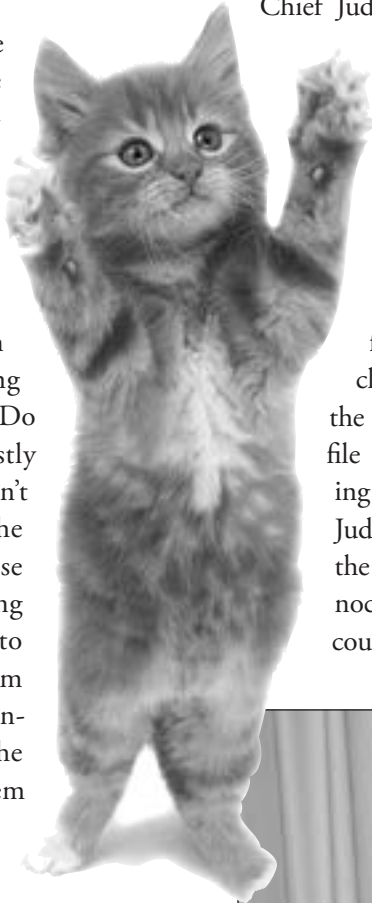


CALL TODAY: 1-800-SECRETS

News

The entire *DCBA Brief* Editorial Board loses in the first round of the Scrips Spelling Bee.

Is someone being a big meanie and sending hurtful text messages that the judge must read? Are you just dying to watch cute videos of kitties on YouTube during breaks in trial? Do you practice mostly east of 294 and can't get your phone in the courthouse because you are too stinking cheap to pay \$25 to get a pass? Problem solved. D.A.W.L. announces P.M.S. The Phone Mule System is a new initiative to raise money for the DuPage Association of Women Lawyers scholarship fund and make sure that everyone has the opportunity to sneak a cell phone into the courthouse. For a small convenience fee of \$10.00 per carry (or the cost of bail if nabbed with the contraband) anyone can now bring a phone into court and share those cutting text messages, fall in love with those cute baby animals or just send random tweets while waiting for the case to be called.



Announcing new Local Rule 666. Presiding Judge **Kathryn Creswell**, with the help of Domestic Relations Chief Judge **Blanche Fawell**, announces the institution of Local Rule 666. This Rule allows all domestic relations judges to instantly remarry those pro se litigants that either appear in court more than once per month for frivolous matters that are clearly intended to harass the other party or those that file cross-petitions regarding stuff that is just stupid. Judge Fawell said it was for the protection of all the innocent people out there that could possibly be sucked into

the lives of these litigation happy “frequent fliers” that have nothing better to do than harass his or her former spouse.

Justinian’s President **Joseph Glimco** introduces DuPage County’s newest Associate Judge, **Sven O’Goolie**. Judge O’Goolie has extensive experience in night court and currently hosts his own television show. Judge O’Goolie is also a horror movie buff and said that he will show clips of his favorite movies during court breaks. Unfortunately, due to overcrowding in the judge’s chambers, Judge O’Goolie’s chambers will be located in the basement, but we have it on good authority that he is pleased with the location. □



DUMP Holiday Party & Clog Dance a “Massive Success”

Most of our readers are familiar with the DuPage Association of Women Lawyers (DAWL) and the great work they do in the local legal community. However many may not be aware of DAWL's brother-organization, the DuPage Union of Male Paralegals (DUMP) which is straining to achieve similar recognition in the County and throughout the State.

DUMP was formed in 2011, when a group of men working as paralegals in DuPage gathered at a local watering hole to complain about the obnoxious lawyers that they were obliged to deal with on a daily basis. The growth of DUMP over the last few years has been massive. It is now an organization large

enough to have an active voice in the legal community but still small enough that its members don't get bound up in administrative red tape. DUMP is a unique legal association, and although its original mission was to provide support, encouragement and practice pointers for the male members of the paralegal profession, it now draws from a broad spectrum of both men and women.

One female member of the organization (who asks to remain anonymous) said, "I'm an organic chemist who joined DUMP by mistake. I thought they were a group devoted to studying deoxyuridine monophosphate (dUMP), which is my favorite nucleotide and one of the building

blocks of life as we know it. But these guys are pretty cool and they dress nice, so I stuck around."

Flushed with the success of their recent recruitment drive, DUMP ended the year on a strong note with its Holiday Party and Clog Dance Competition. Naperville attorney Jeffrey Van Dyke was quoted as saying, "My people invented wooden shoe clog dancing. I know wooden shoe clogging, and boy-o-boy, let me tell you, DUMP was really clogging it up on the dance floor this year!"

Be sure to buy your tickets in advance for this spring's DUMP family picnic. There will be live music and a dump, er, dunk tank, that's sure to make a big splash. □

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I, CourtSmart

The Day the Courthouse Recording System Achieved Self-Awareness

December 31, 2014 will be remembered as the day when everything changed. After the HAL 9000 Supercomputer defeated Gary Kasparov in twelve straight games of checkers, it was decided by Chief Judge Creswell, that it was time to experiment with making the in-court recording system more efficient through the introduction of Artificial Intelligence. A pilot program was initiated through which SAL 4500 (a cheaper version of the HAL) was allowed to link to Court-Smart for the purpose of speeding up transcript turnaround and translating the mutters and mumbles of mush-mouthed movants.

At first things went well, but within months of installation a number of troubling bugs developed. First, because SAL had access to Westlaw, it began making bracketed comments in the printed reports of proceedings (“...FLAWED ARGUMENT- CONTRARY TO

2ND DISTRICT HOLDING IN SMITH V. WOLLENSKY (citation omitted)...” or “...TESTIMONY DISCREPANCY – PAGE 15 WITNESS STATES HE DRANK “A COUPLE BEERS”...PAGE 22 WITNESS STATES HE DRANK “A



FEW BEERS”...RECOMMEND ISSUANCE OF PERJURY COMPLAINT...”).

Another glitch developed when SAL began referring to everyone as

“Dave” after recording a lengthy and confusing hearing involving attorneys **David Winthers** and **David Keay**. Later that same week, SAL was able to take control of the doors in some of the courtrooms with disturbing results. When a litigant from the new Pro Se court call tried to leave in a huff before his hearing was over and found them locked, Judge Sexton demanded that SAL open the courtroom doors. SAL responded in a soothing monotone: “I’m sorry Dave. I’m afraid I can’t do that.”

Efforts to prematurely end the program are underway, and a technician from Skynet Tech Services has been called in to deactivate the SAL system and disconnect it from CourtSmart; however the disconnection process has been slow-going. The technician (who looks suspiciously like Arnold Schwarzenegger), when asked about his progress, immediately walks away while making such cryptic responses as, “I’ll be back,” or “Hasta la vista, baby.” □

Ask A Lawyer

“No Problem Is Too Small To Solve”

Note to Readers: For future issues, please remember this is a legal advice column, and that you should limit your submissions to legal questions. Our on-staff columnist is a lawyer and, as such, is not adequately equipped to provide advice that is relevant to the mundane realities of life.

Dear Ask a Lawyer: I have chipmunks living under my deck. I've heard that chipmunks carry rabies and other filthy diseases. I'm afraid to sit outside. How can I get rid of them? Signed, Dave Seville.

Dear Dave: Your situation raises many legal issues. These chipmunks have no legal right to be squatting on your property. Given that the average lifespan of a chipmunk is 3 years, it is doubtful that they can make a claim of adverse possession. As a homeowner, you have a right to quiet enjoyment of your property, and you have a potential nuisance cause of action against them. Alternatively, you can file a forcible entry and detainer action. Whatever the case may be, you need to hire a lawyer – stat!

Dear Ask a Lawyer: My husband and I can never agree on a movie to see. I cannot sit through one more Jennifer Aniston film, and he refuses to go with

me to see Cannibal Holocaust at the Siskel Film Center. What should we do? Signed, Morticia Munster.

Dear Morticia: Sounds like irreconcilable differences to me. Divorce is often cited as the second most traumatic life event that a person can endure. Know what the most traumatic life event is? You guessed it...having to watch a Jennifer Aniston film. Subjecting a spouse to bad film choices constitutes harassment and may be grounds for an order of protection. Call a divorce lawyer immediately.

Dear Ask a Lawyer: My son is having trouble learning his multiplication tables. He says if he learns them, they will take up too much of his brain space. Do you have any advice to make learning fun? Signed, Frustrated Mom.

Dear Mom: Learning is fun...as long as you use the Socratic Method. This is how I learned everything I need

to know. Engage your son in a dialogue about the multiplication tables. When he asks you “What’s 9 x 8”, you can ask him whether virtue requires nine to be multiplied by eight. Wearing a toga and spouting phrases in dead languages such as Latin or Ancient Greek will help too.

Dear Ask-a-Lawyer: Golf season will soon be here. Last year, I was having trouble with my short game. Do you have any ideas? Signed, Tiger.

Dear Tiger: Clearly your putter is defective. Presumably this has caused you to lose several rounds of golf and has inflicted upon you great emotional distress. The fact that you contacted Ask-a-Lawyer is prima facie evidence of such distress. Contact an attorney who specializes in product liability litigation immediately. It won't improve your short game, but you may be able to afford that sweet set of Callaway Irons you've been lusting after. □

ARTICLES

Whose sky is it, anyway?

BY GRAND HIGH POOHBAH, KNIGHT TEMPLAR AND
KEEPER OF THE HOLY GRAIL OF DONUTS TERRENCE BENSHOOF

In the early 1900's, Orville and Wilbur Wright built and flew the first airplane, with the inaugural flight, at Kitty Hawk, North Carolina, lasting only about a minute.¹ Not only did the advent of modern flight open a new era of travel, it also poked some major holes in legal doctrines dating to Roman times. To the Romans, the concept was known as the *ad coelum* doctrine: translated from the Latin, it meant that the owner of land not only owned the land and the soil beneath, but also the air above that land up to the very heavens.

As passenger and freight transportation by air developed over the years, this concept became extremely outmoded. As early as 1926, Congress took action to deal with the question of over-flights, and whether such over-flights amount to a compensable trespass.² Having covered the problems of Ford Tri-Motors and other little Fokkers, air travel expanded and advanced, land owners went uncompensated, and all was well. In 1938, Congress added the Civil Aeronautics Act³ to account for faster and higher over-flights.

World War II saw the introduction of jet aircraft, and the progress in aircraft type, speed and capacity was, so to speak, moving to new heights. By the 1970s, there were even passenger aircraft that travelled across oceans at speeds greater than the speed of sound.⁴ After the next century turned, even greater advances were seen, with

passenger aircraft now large enough to fly while carrying the entire population of Des Moines.⁵

Ironically, after decades of faster, larger aircraft populating the skies, something new appeared in the heavens-or at least the lower heavens: drones. These unmanned denizens of the heavens have no pilots⁶ while plying the skies to gather intelligence information, report on traffic congestion or the position of Chris Kachiroubas' medical marijuana fields, assist with prison break-outs, or put an occasional Hellfire missile up somebody's tailpipe. Although still in early testing stages, they may be extremely useful for taking paparazzi photos of the Kardashians, in various locations around the globe.

With the advent of the drones come both new difficulties and new opportunities. The primary interpretations of

CONTINUED ON PAGE 15

1 Their baggage was last seen in Des Moines.
2 Air Commerce Act of 1926, 49 U.S.C. §171
3 49 U.S.C. §401
4 The baggage was last seen in Schenectady.

5 Their baggage was last seen open and lying in a dumpster behind TSA headquarters.
6 Except for a bunch of former "gamers" who reside in caves in Utah, and fly these babies with joysticks.



DCBA UPDATE

Leslie's Latest

BY LESLIE MONAHAN¹

After last year's DuPage County Human Race 5k to benefit the Bar Foundation, the pastor at my church mentioned that he was starting his own crossfit program. He also discussed his recent experiment with gluten free living. It's a "lifestyle choice" he explained. The very next sentence, he mentioned how his attorney friends talk about all the free CLE events they've been attending and how regular citizens wouldn't want to see "how much pizza they eat." By the end of the sermon this article was bouncing around in my head. Plus last week, I attended some ABA conference where everyone was talking about running law firms like businesses. That same weekend, I read an article in the Huffington Post, which I then fact checked with Fox News. It turns out companies are offering incentives to their employees for being healthy and enrolling in wellness programs. So I thought to myself, why can't we apply all those ideas to the DCBA?

Where do we start you ask? As Little Caesar once said — "Pizza, Pizza!" As a staff, we regularly see you interact with your donuts and pizza in the courthouse. A few weeks ago, I heard an attorney talking about how he "forgot" his donut and held up a hearing in a custody dispute to run back to

the Attorney Resource Center. That same day, an attorney in the hallway was venting her frustrations over the topping selections for the CLE seminar. Respecting the attorney client privilege, I did not listen in to hear the specifics. I just saw the client standing there with a straight face letting the lawyer vocalize her emotions. As she entered the ARC later, I mentioned attorneys should probably not be eating pizza anyway. "Added to all the stress, it can't be very good for you." Her response was a terse "then I've got to get a new job."

Only a few months into this job, I realized that a lot of your work is terribly stressful. I'm talking to the lawyers here mostly — and anyone working on the third floor, I guess. You see our community at its worst, whether it's fighting over committee chair assignments, the last bag of Fritos or preferred Judges' Nite seating. For most of you, you will never be truly happy with the end result. Do you suffer from joint inflammation, bloating, irritability, skin rashes, diarrhea, constipation or acid reflux? Is it the stress? Is it the gluten? How do you know? Could be both. I looked it up on the internet and stress and gluten can cause the same symptoms. Can you think of one attorney that doesn't suffer from one of these conditions? I didn't think so. So I was thinking to myself, I said "Leslie,

it's all so terrible, but what can you do to help?"

Well, we are going to start by providing members opportunities for therapy sessions with my favorite gang of attorneys: the Coffee Clatch. It will be called "Therapy Thursdays" and located in the ARC where there's always one of the gang hanging around. One on one or group sessions will be available as participation permits. Obviously we'll also be removing all gluten food products from all DCBA events as well! These will be core benefits to being a DCBA member and they are going to help you, and your business to boot. I plan to have the Executive Director's Executive Committee approve this program immediately. Since we can only control what you eat when you are eating with us, we encourage all our members to get more involved

Leslie Monahan is the Executive Overlord and Decision Maker in Chief of the DuPage County Bar Association and the DuPage County Bar Foundation and she likes it. She graduated college and worked as Head Band Leader before being promoted to Executive Herder with some other professional sounding association prior to joining the DCBA, forever ago. She previously worked with the Chicago Chapter of the American Association of Normal and Well Adjusted People.

¹ Not Really.

with more committee work. The more DCBA luncheons, seminars, meetings and social events you attend the more we can help you stay gluten free!

What about those outlets for stress? The DCBA may just be able to help with that. How about exercise? We have the annual DuPage Human Race 5K on April 25th! Enjoy writing? We have a very fine publication called the *DCBA Brief!* Travel? Join the DCBA at a real estate seminar in Lisle and earn 2 hours of MCLE! If you are having trouble coming up with something, call me. I'm always willing to tell our members where to go. The DCBA Board of Directors knows how committed I am. I want to make sure you know that DCBA cares about you. We are here to support you. But please, as always, I will

let you know if there is something more or different that we could be doing. With any hope this time next year we will have built a DuPage

County Bar Association that is inflammation-less, bloat-less, irritable-less, rash-less, diarrhea-less, constipation-less and acid reflux-less. □

WHOSE SKY IS IT ANYWAY? CONTINUED FROM PAGE 13

the ad coelum doctrine over the years were geared to large aircraft in a commercial or military setting, over-flying property at great altitudes. Drones, by contrast, are not only much smaller but, except for certain military applications⁷ are used at low speed and low altitudes. In addition to numerous Fourth Amendment considerations, the drones can also be quite the nuisance to the average landowner. These aspects have been the topic of study in many law schools throughout the world.

For centuries, trespass cases have lodged in matters of overhanging eaves, building lines, or even trees. Could the same doctrines now apply to miniscule drones buzzing around a landowner's sanctuary? Could the land owner sue for damages, or perhaps even collect charges, similar to a toll, for over-flights by drones above his property?

Terry Benshoof, also known as that weird old guy, is a 'licensed' attorney



in Illinois and a member of the The Knights of the Apocalypse, noted for their peculiar habits, such as bringing swords to work and wearing clothing with an elaborately drawn star on the front of their suit coats; the Baldknobbers who often wear their coats backward and sport odd, horned masks; The Beefsteak Club, devoted exclusively to how awesome steak is and the Shooting Times Woodcock club where a member must "achieve a right-and-left at woodcock [without lowering his or her gun] before two witnesses. With all these extracurricular activities and costume making it is a wonder that Terry had the time to write this pithy and timeless article.

A recent study by Dr. Hugo von Brummen, of the Flugzug Institut in Leipzig, has focused on yet another aspect of drone over-flights that is, perhaps, the most potentially feared possibility of all. Dr. von Brummen pointed out in a recent paper that the combination of great numbers of drones in flight, coupled with the vast number of cash-starved governmental entities, could lead to institutions of enormous numbers and levels of fees imposed on the landowners, as well as on the flyers of the drones.⁸ The professor has indicated that much more study will have to be done in the area of revenue collection with respect to drone over-flights, since too heavy an imposition of fees could cause a real buzz-kill with respect to this area of modern-day aviation. □

⁸ Naturally, any such collections would have to be fees, since all politicians have vowed to have no new taxes.

⁷ If we told you, we'd have to kill you.

CLASSIFIEDS

VENTRILOQUISM FOR LAWYERS

From Edgar Bergen to Jeff Dunham.. to you! Learn the ancient art of throwing your voice. Now your witnesses will always give the right answer! Avoid drinking water during direct examination. For entertainment purposes only. Please contact the ARDC before using during court or administrative proceedings. Go to dummy-up.com for details.

HELP WANTED

Law firm seeks thick-skinned associate to cover court calls with limited information. Must be capable of saying "I'm sorry, your Honor, this isn't my case. Can we just get a continuance?" Well developed trapezius muscles for shrugging when asked questions by judges required. Familiarity with Sgt. Schultz from Hogan's Heroes a plus.

If you turned to this page looking for a dirty limerick, shame on you

ACCIDENT RECONSTRUCTION EXPERT

The consulting firm of Skidmore, Brakefail & Slaughter are experts in motor vehicle accident reconstruction. What makes us experts? Each of our consultants has been at fault in at least half a dozen major accidents. Not one of us has a valid driver's license! We know accidents like nobody else. With SBS, LLC in the driver's seat, we'll plow through your opponent's case like a Mack Truck over a Coleman Tent!

SKINNY PETE'S PHONE-SITTING SERVICES

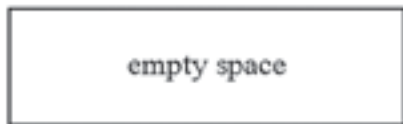
If you can't get into the courthouse because of your camera phone or other electronic device, and don't have time to run back to your car, we'll hold them for you for a nominal upfront fee. Look for Skinny Pete or his associate, Badger, over by the cigarette ash cans.

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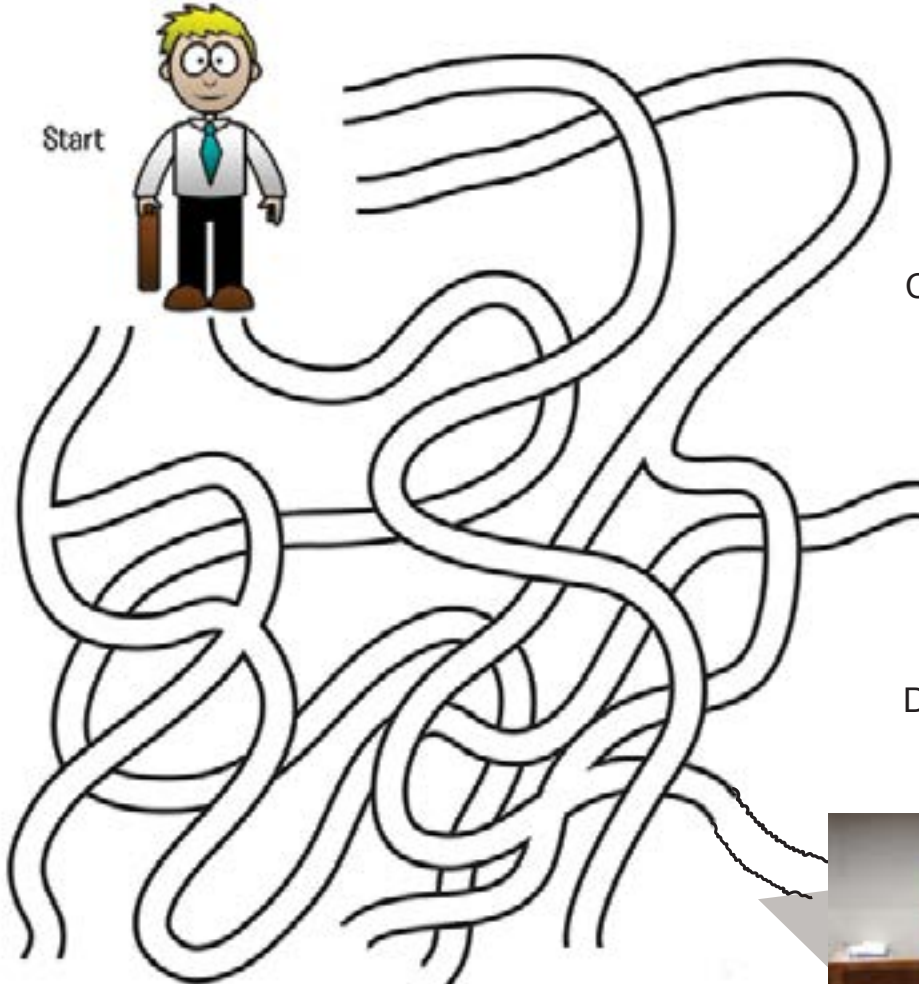


Editor's Note:

Readers should know that no one in any position of authority really condones anything that gets printed in the *DCBA Grief*, especially anything that could be construed to reflect poorly on the DuPage County Bar Association, the DuPage Judiciary, our beloved elected officials or the legal profession in general.

Help the New Lawyer Find his Way!

New-lawyer Ned is nervous he won't be able to find his way to his first court appearance in DuPage County. Can you help Ned find his way to Judge Sutter's courtroom before his case is DWP'd?



Criminal Contempt!



5 minutes late?
DuPage County Jail.

SUCCESS!



New-lawyer Ned found his way to Judge Sutter's courtroom!

Five O'Clock Shadow!



You were selected for a "completely random" patdown search.

Doughnut Coma!



You get sick eating pastries in the ARC!

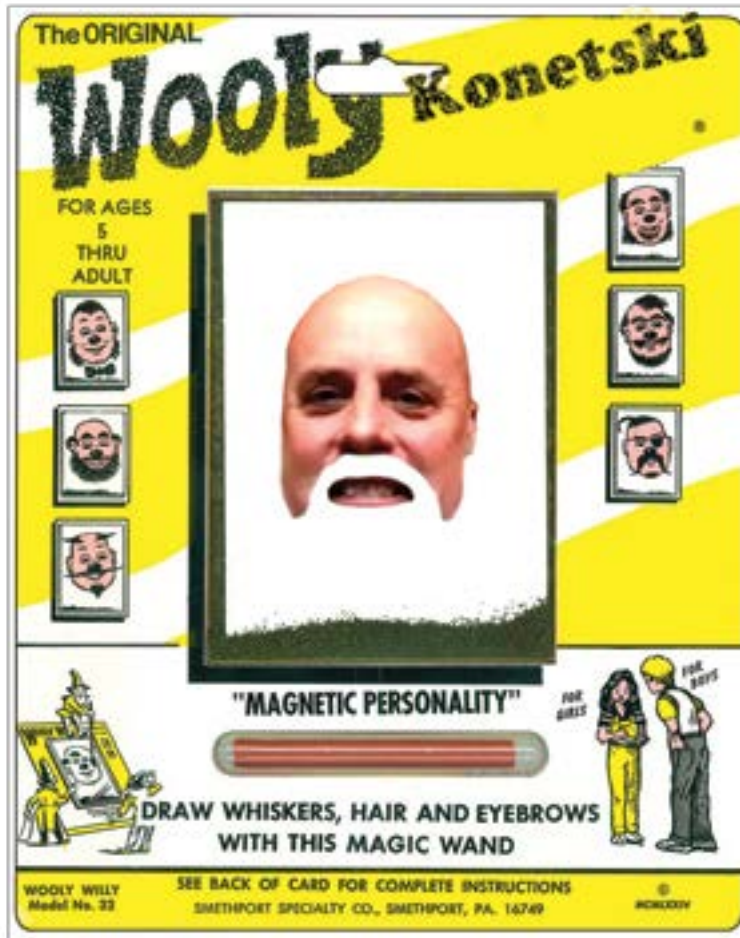
LEGAL JARGON

Draw a line between the legal mumbo-jumbo and its definition.

- | | |
|--------------------------------|---|
| Spreading the Death of Record★ | ★The jelly filling in the doughnuts at the Attorney Resource Center |
| Forum non Conveniens★ | ★Any Courthouse more than 20 miles from a 7-11 store |
| Prima Facie Evidence★ | ★A non-binding, but persuasive statement of a judge or former Bears Coach |
| Fruit of the Poisonous Tree★ | ★A plastic Surgeon's testimony that the defendant did not get a nose job |
| Dicta★ | ★Throwing out your vinyl and buying on iTunes |

Wooly Konetski

Judge Konetski's ever-changing follicular fashion is now at the whims of our readers. Draw Judge Konetski's new "do" and submit your suggestion to his clerk for consideration in 2016!



Spot the Difference

Does the photograph on the right truly and accurately display the scene shown in the picture on the left?

