



TRAFFIC LAWS & COURTS

The newsletter of the Illinois State Bar Association's Section on Traffic Laws & Courts

Six tips for assisting the commercial driver with a traffic ticket

By Jeremy J. Richey

Drivers of commercial vehicles must receive good legal advice since their driver's licenses are their livelihoods. To complicate things, defense attorneys (and prosecutors) cannot treat the commercial driver like the typical holder of a Class D license (the regular driver's license most of us hold). This is because an extra set of rules and consequences apply to the commercial driver. This article provides six tips for the practitioner to consider when accepting the commercial driver as a client.

Tip 1: Two Sets of Rules Apply. The commercial driver must worry about both his non-commercial motor vehicle (non-CMV) driving privilege—the regular privilege enjoyed by most license holders—and his commercial driving privilege. The commercial driver will lose his abil-

ity to drive a commercial vehicle if he loses his non-CMV driving privilege.¹ As such, the practitioner must first analyze the consequences to the driver's non-CMV or base driving privilege. But, after performing an analysis pertaining to the driver's non-CMV privilege, the practitioner must also perform an analysis of the driver's CDL privilege under the Uniform Commercial Driver's License Act.² The CDL holder can have his CDL privilege disqualified (taken away) in a number of ways and the practitioner must be familiar with the triggers for a disqualification. It is possible for a disposition to have no affect on a driver's non-CMV privilege but still trigger a disqualification of the driver's CDL.

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Obtaining court supervision in downstate Illinois DUI cases

By Anthony Bruno

It's a jungle out there. For those of us who practice in more than one county, figuring out what it takes to get a disposition of court supervision in a DUI case can be a tricky endeavor. The most relevant factor may simply be what county we're in.

Here in East Central Illinois there are some counties where court supervision is routinely offered for first-time DUI offenders. This may be the case whether or not the offender is under 21, whether cannabis is present, whether there was an accident, or whether the offender has a dicey traffic record.

Then there are counties where court supervision is rarely given. The late Chief Judge of the Sixth Judicial Circuit, the Honorable John P. Shonkwiler, famously for a period, stated openly that he had a personal aversion to court supervision in DUI cases. That lasted until it was taken up on appeal, and he was remanded to resentence the defendant taking into consideration the possibility of court supervision.

And there are counties like Champaign County where the route to court supervision almost

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Six tips for assisting the commercial driver with a traffic ticket

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Tip 2: Supervision Doesn't Count. Supervision is considered to be a conviction for CDL purposes.³ Supervision is only a non-conviction for the purposes of the driver's non-CMV privilege. So, don't fall into the trap of thinking that supervision is a safe disposition for the commercial driver. It is not in many circumstances.

Tip 3: Be on the Lookout for Disqualifications. If a CDL holder loses his ability to drive a commercial vehicle, it is because the Illinois Secretary of State's Office has disqualified the driver from driving a commercial motor vehicle.⁴ Disqualifications can come for a number of different reasons, such as refusing a chemical test or leaving the scene of an accident.⁵ If your client is a commercial driver, it is important to be familiar with the disqualification consequences the client may face. It is important to note that for some offenses a disqualification may occur even if the violation occurred while the client was *not* driving a commercial motor vehicle.⁶ Also, the practitioner should particularly be on the lookout for any offense that the law labels a "serious traffic violation." For example, speeding 15 or more miles an hour above the limit is a serious traffic violation.⁷ If a commercial driver receives two serious traffic violations, while driving a commercial vehicle, in a 36-month period, he will receive a disqualification of his CDL privilege for a minimum of two months.⁸ Serious traffic violations are listed in the Illinois Offense Table⁹ and the definition section of the Uniform Commercial Driver's License Act.¹⁰

Tip 4: Equipment Violation as Potential Outcome. If the State has charged your client with a serious traffic violation, consider asking the traffic prosecutor to amend the ticket to an equipment violation under 625 ILCS 5/12-101. This offense will not affect CDL privileges and it is not a points-assigned violation (commonly referred to as a "moving violation") for purposes of triggering a suspension or revocation of drivers' non-CMV driving privileges. While state's attorney's offices vary in their approach to traffic matters, many prosecutors and judges will consider a 12-101 amendment for truck drivers.

Tip 5: Talk Outcomes with Your Client. While a defense attorney may be happy with a 12-101 plea agreement, the driver may not.

For example, a driver's employer may not allow him to plead to an equipment violation. If the driver's case is a speeding case involving a speed of 15 or more miles per hour over the limit, a good resolution would be to amend the speed to below 15 miles per hour (so that the offense is no longer a serious traffic violation) and then pleading the driver to supervision. The supervision protects the driver's non-CMV driving privilege and the offense is no longer a serious traffic violation. The moral here is that the practitioner must listen carefully to the goals of the driver and seek a resolution that not only protects the driver's driving privileges, but also the other concerns that the driver may have.

Tip 6: Know Your Judge. Commercial drivers only make money when their vehicles are traveling down the road. They also may get citations far from home. As such, commercial drivers do not like to appear in court if they can avoid it. The judges in your county may allow you to appear in court on your client's behalf with a written guilty plea.

Contact the traffic prosecutor in your county or another local attorney to find out what can be done to avoid the client's appearance in court. Practices do vary from county to county, so don't make a false assumption that what works in one county will work in another. ■

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1. 625 ILCS 5/6-507(b)(1)

2. 625 ILCS 5/6-500 *et seq.*

3. 625 ILCS 5/6-500(8)

4. 625 ILCS 5/6-514.

5. *See id.*

6. For example, refusing a chemical test in a non-CMV will result in a disqualification of a driver's CDL privilege. 625 ILCS 5/6-514(a)(1).

7. 625 ILCS 5/6-500(26)(A)(i)

8. 625 ILCS 5/6-514(e)

9. 92 Ill. Adm. Code 1040.20

10. 625 ILCS 5/6-500(26)

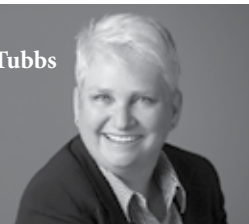


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Obtaining court supervision in downstate Illinois DUI cases

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always goes through the judge at an open sentencing hearing. Judges in Champaign County have historically not accepted negotiated agreements for court supervision. Instead, the best strategy for a client with a relatively unremarkable DUI case is to plead guilty for open sentencing. This way, the defendant submits himself to a presentence investigation by the probation department for the judge to review. The practice in Champaign County has evolved to frontload much of a client's expected punishment to precede the sentencing hearing. Attorneys here encourage their clients to make as much progress as possible toward risk education classes, public service work and recommended treatment prior to the date of sentencing. The idea is to demonstrate to the judge that the client is accepting responsibility and working to improve the chances of a lenient sentence. Defendants will often supplement these efforts with additional evidence in mitigation at the time of sentencing in order to obtain court supervision.

Our job as practitioners is to remind our clients of all the relevant factors the court will look at and remember the fundamental findings it must reach in order to grant a sen-

tence of court supervision.

[T]he court may enter an order for supervision after considering the circumstances of the offense, and the history, character and condition of the offender, if the court is of the opinion that:

- (1) the offender is not likely to commit further crimes;
- (2) the defendant and the public would be best served if the defendant were not to receive a criminal record; and
- (3) in the best interests of justice an order of supervision is more appropriate than a sentence otherwise permitted under this Code.

730 ILCS 5/5-6-1(c)

But the real lesson for the practitioner is to be aware of the great differences that exist from county to county in how court supervision is obtained in DUI cases. It is our responsibility to help the client navigate the channels to a successful outcome. They may differ depending on where we are. ■

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ILLINOIS STATE BAR ASSOCIATION

Objects under the rearview mirror may be more of a material obstruction than they appear

By Rob Shumaker

Objects dangling from the rearview mirror may justify a traffic stop but only if they constitute a material obstruction. The author addresses the case law on this issue and offers practice tips to determine whether an object materially obstructs a driver's view of the road.

With the increased awareness regarding the dangers of distracted driving caused by cell phones and other technological gadgets, some drivers neglect to see the distraction right before their very eyes. Across the country, defendants are routinely pulled over by the police for having an object hanging from their rearview mirror—an air freshener,¹ a strand of beads,² a miniature pair of boxing gloves.³ The officer's investigation of this Vehicle Code violation often leads to the discovery of more serious offenses under the Criminal Code. Accordingly, the issue as to whether the object constitutes a "material obstruction" is a frequent topic in motions to suppress, and the outcome can oftentimes be a roll of the fuzzy dice for all involved.

This article addresses the Illinois material-obstruction statute, the cases interpreting the statute, the legislative approaches utilized by other states, and several practice tips that can be used to more accurately determine whether an object constitutes a material obstruction.

A. The Material-Obstruction Statute and Case Law

The material-obstruction offense in the Illinois Vehicle Code reads, in part, as follows: "No person shall drive a motor vehicle with any objects placed or suspended between the driver and the front windshield . . . which materially obstructs the driver's view."⁴ A police officer may make a lawful traffic stop if he or she has reasonable suspicion that an object hanging from a rearview mirror constitutes a material obstruction.⁵ However, what constitutes a material obstruction is not always clear but depends on the testimony and evidence presented at the hearing on the motion to suppress.

In *People v. Cole*, a Quincy police officer

stopped the defendant's vehicle based on an "obstructed vision."⁶ At the hearing on the motion to suppress, the officer testified to his belief that the material-obstruction statute applied to "anything . . . hanging or suspended between the driver and the front windshield" and he attempted to stop every vehicle so situated.⁷ The object at issue, a strand of beads, was admitted into evidence, and the officer believed the beads hung straight down at least four inches from the rearview mirror.⁸ He did not know the diameter of the beads but stated an air freshener would be smaller in size.⁹ After the officer arrested the defendant for not having a valid driver's license, a search of the vehicle revealed cocaine.¹⁰ The trial court found the officer had reasonable, articulable suspicion that the defendant was in violation of the material-obstruction statute and denied the motion to suppress.¹¹

On appeal, the defendant argued the traffic stop was invalid because the officer believed *anything* suspended between the driver and the windshield constituted a material obstruction.¹² The appellate court agreed, finding the officer acted under a mistake of law.¹³ The court noted the officer never testified the strand of beads constituted a material obstruction.¹⁴ Although he believed the beads "hindered" the defendant's ability to observe other drivers, the Fourth District found "[a] simple hindrance or obstruction is not a violation of the statute."¹⁵ The appellate court reversed the trial court's judgment.¹⁶

In *People v. Johnson*, a Champaign police officer pulled over the defendant's vehicle at 3:15 a.m. for having an air freshener, "a life-size pair of plastic cherries," hanging from the rearview mirror.¹⁷ At the hearing on the motion to suppress, the officer testified he observed the vehicle from the rear and side, saw the air freshener hanging at "eye level," and believed it created a material obstruction.¹⁸ Although he had no formal training as to what constituted a material obstruction, he had read about material obstructions in law and traffic books and estimated the air freshener was about two inches across.¹⁹ The defendant was eventually charged with possession of cannabis.²⁰ The trial court granted the motion to suppress, finding the air fresh-

ener was mounted on a piece of wire that did not move or swing and, even if it was at eye level, it would not constitute a material obstruction.²¹

On appeal, the State argued the question was whether the officer had probable cause to stop the vehicle and not whether the air freshener actually constituted a material obstruction.²² The Fourth District noted the officer did not tell the defendant at the time of the stop that the air freshener constituted a material obstruction.²³ Moreover, in noting the officer's fleeting view of the air freshener in the dark and his lack of understanding as to what constituted a material obstruction, the appellate court concluded the motion to suppress was properly granted.²⁴

In *People v. Mott*, a Clark County sheriff's deputy pulled over the defendant's vehicle for an air freshener hanging from the rearview mirror.²⁵ At the suppression hearing, the deputy testified to the leaf-shaped air freshener that he estimated to be three-and-a-half to four inches wide and four to five inches tall.²⁶ The deputy also stated the air freshener hung approximately one inch below the mirror on a string and swung side to side and believed it materially obstructed the driver's view.²⁷ Although he had no formal training on the legal meaning of "material obstruction," the deputy related an explanation given by a colleague:

[Deputy Sanders] asked me to take my thumb and hold it out in front of me and take my finger and put it over a person or an object, closing one eye or just looking[.] [A]nd that if your thumbnail covers up a person or object which is in front of you and is about the same distance from your face is as what the windshield is in your vehicle, [Sanders] said[.] [N]ow looking at your thumbnail, we're putting in perspective a large air freshener, [M]ardi [G]ras beads hanging from the mirror, anything of that nature that would really obstruct the vision, and we're going from a thumbnail to a large air freshener now, and it could cover up a lot more.²⁸

The trial court granted the motion to sup-

press, finding no testimony about the relationship of the air freshener to the driver's eye level or that it obstructed a material portion of the windshield or the defendant's line of vision.²⁹

On appeal, the Fourth District noted the deputy only had a brief view of the air freshener and overestimated its actual size.³⁰ The court also found the deputy "failed to articulate any specific facts giving rise to an inference defendant's view was obstructed."³¹ While affirming the trial court's judgment, the appellate court also addressed defense counsel's contention that an air freshener could not, as a matter of law, constitute a material obstruction and quoted the trial court's order, as follows:

Illinois law does not criminalize [*per se*] the suspension of an object from a rearview mirror. It is not unusual to see objects such as necklaces, pendants, parking passes, souvenirs, good[-] luck charms, beads, crucifixes, St. Christopher [medals], and sunglasses suspended from a rearview mirror. [Section] 12-503(c) prohibits the suspension or placement of an object in a window "[which] materially obstructs the driver's view."³²

The Fourth District stated "[s]ize alone does not determine whether an object materially obstructs the driver's view" and concluded "all of the objects listed could be material obstructions in the proper situation."³³

In *People v. Price*, a Fairbury police officer pulled over the defendant's vehicle because of a broken taillight and an air freshener hanging from the rearview mirror.³⁴ At the suppression hearing, the officer estimated the air freshener was three inches wide and four to five inches in length and hung from a string with the top being approximately two to three inches from the bottom of the mirror.³⁵ On cross-examination, the officer testified he observed the air freshener swaying and, based on the defendant's sitting position, it "would have to impair his ability to-obstruct his view."³⁶ The defendant testified the Yankee Candle air freshener was approximately three inches wide and four inches long, it hung from a string, and the top was roughly one-and-a-half inches from the bottom of the mirror.³⁷ The trial court denied the motion to suppress, and the defendant was found guilty of driving under the influence and possession of cannabis and drug paraphernalia.³⁸

On appeal, the defendant argued the traffic stop was unlawful because the evidence did not show the air freshener constituted a material obstruction.³⁹ The Fourth District found the officer had a reasonable suspicion that the air freshener constituted a material obstruction based on its size, that it swayed back and forth, and would have obstructed the defendant's view from his sitting position in the vehicle.⁴⁰

In *United States v. Garcia-Garcia*, an Illinois State trooper pulled over the defendant's minivan after seeing a tree-shaped air freshener, "approximately five inches by three inches at its widest points," hanging from the rearview mirror.⁴¹ Believing a violation of the Vehicle Code had occurred, the trooper issued the defendant a warning ticket for the obstructed windshield.⁴² It was eventually determined that the defendant was in the country illegally, and he was charged with being present without permission in the United States after he had been deported and with knowingly transporting illegal aliens.⁴³ The district court found the trooper had probable cause to stop the defendant's vehicle based on the material obstruction.⁴⁴

On appeal, the defendant argued the trooper did not use the word "materially" during his testimony about the air freshener and, along with its small size, he must have been acting under a mistake of law.⁴⁵ After reviewing Illinois Appellate Court decisions, the Seventh Circuit concluded "air fresheners may (or may not) constitute material obstructions depending on their size, their position relative to the driver's line of vision, and whether they are stationary or mobile."⁴⁶

In the case before it, the Seventh Circuit noted the government's evidence included the air freshener, the warning ticket, and photos of the air freshener hanging in the van, along with the trooper's testimony.⁴⁷ The court stated that, given the air freshener's "size and position relative to the driver, a reasonable officer could conclude that it violated the Illinois statute prohibiting material obstructions."⁴⁸

B. Other States' Approaches

In *Mott*, the Fourth District noted three distinct approaches used by states to criminalize the placement of objects hanging from a rearview mirror.⁴⁹ Under the first approach, several states, including Illinois, use the material-obstruction requirement. For example, Pennsylvania prohibits a person from driving a vehicle "with any object or material hung

from the inside rearview mirror or otherwise hung, placed or attached in such a position as to materially obstruct, obscure or impair the driver's vision through the front windshield or any manner as to constitute a safety hazard."⁵⁰ A recent change in the Nebraska Rules of the Road prohibits the placement or hanging of an object "in such a manner as to significantly and materially obstruct or interfere with the view of the operator through the windshield or to prevent the operator from having a clear and full view of the road."⁵¹

The second approach, which is followed by a majority of the states, prohibits "the placement of objects that 'obstruct' or 'obstruct or impair' the driver's vision."⁵² In Arizona, for example, a person is prohibited from operating a vehicle "with an object or material placed . . . in a manner that obstructs or reduces a driver's clear view through the windshield or side or rear windows."⁵³

Under the third approach, two states have prohibited the placement of any object between the driver and the windshield.⁵⁴ In Minnesota, a person cannot drive a vehicle with "any objects suspended between the driver and the windshield" with certain exceptions.⁵⁵ It is a petty offense to drive in South Dakota "with any object or gadget dangling between the view of the driver and the windshield of the vehicle."⁵⁶

In *Mott*, the Fourth District "sympathize[d] with trial judges and with police officers who are called upon to determine whether an object 'materially obstructs' the driver's vision."⁵⁷ The court found the "bright-line approaches" used in Minnesota and South Dakota "make law enforcement's job easier."⁵⁸ However, the court concluded the "obstruct" approach utilized by the majority of states seemed to be "the most reasonable."⁵⁹ The court commended the material-obstruction statute to the General Assembly to consider whether the current approach in Illinois accomplishes the results intended by the legislature.⁶⁰

C. Practical Applications

The Illinois cases demonstrate that there is no bright-line rule to clearly identify whether an object constitutes a material obstruction. As Justice Appleton stated in his dissent in *Price*, whether an object hanging from a rearview mirror is a material obstruction involves a subjective determination⁶¹—initially by an officer, who may have only caught a fleeting glimpse of it, and then by the trial court, which must make a determination based on the testimony and evidence

presented whether the air freshener, beads, or fuzzy dice gave the officer the reasonable suspicion necessary to effectuate a lawful traffic stop.

If Illinois is going to continue with its current approach, the presence of several factors can help the trial court determine whether a material obstruction existed justifying the stop. While “[s]ize alone does not determine whether an object materially obstructs the driver’s view,”⁶² it is important to have the accurate dimensions of the offending object before the court. The best way to do so is to put the object into evidence.⁶³

Along with the size, a material obstruction depends in large part on the placement and mobility of the object. Whether the object is stationary or swaying side to side may impact the sight line of the driver. Further, the driver’s sitting position may influence whether the object materially obstructs the driver’s view. Since it would be impractical to bring the car into the courtroom, pictures of the object through the front and rear windshields, or from the driver’s seat itself, will help the trial court understand what the officer believed to be a material obstruction at the time he or she decided to make the stop. Further, a dash camera video from the officer’s squad car may give the court the opportunity to see the object while the defendant’s vehicle is in motion.

Along with the object in question, the testimony of the arresting officer is oftentimes all the trial court has to make the material-obstruction determination. In several cases, the officers were questioned as to whether they had received any formal training on the issue of material obstruction and the answers were in the negative. Thus, proper training in the law is essential. While saying the magic words “material obstruction” may not always make it so, testimony of such nature will show an officer’s understanding of the statute instead of relying on another officer’s “thumbnail” approach or believing anything hanging from a rearview mirror is a violation of the Vehicle Code.⁶⁴ Also, stating specific facts as to why the object was a material obstruction will help support the officer’s conclusion.

D. Conclusion

The case law in Illinois indicates the question of whether an object hanging from a rearview mirror constitutes a material obstruction is far from clear. Courts do, however, require specific facts to show an officer had reasonable suspicion to believe an ob-

ject was a material obstruction thereby justifying a traffic stop. Prosecutors and defense counsel would be well-advised to peruse the cases on this issue and structure their direct and cross-examination accordingly. ■

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1. *People v. Mott*, 389 Ill.App.3d 539, 540, 906 N.E.2d 159, 161 (4th Dist. 2009).
2. *People v. Cole*, 369 Ill.App.3d 960, 962, 874 N.E.2d 81, 84 (4th Dist. 2007).
3. *State v. Barrow*, 975 A.2d 539, 542 (NJ Super Ct App Div 2009).
4. 625 ILCS 5/12-503(c).
5. *People v. Price*, 2011 IL App (4th) 100272 ¶ 31, 962 NE2d 1035, 1041; see also *Mott*, 389 Ill.App.3d 544, 906 NE2d 164 (stating “[a] police officer may stop a vehicle where he has reasonable suspicion to believe a driver is violating the Vehicle Code”).
6. *People v. Cole*, 369 Ill.App.3d 960, 961, 874 N.E.2d 81, 83 (4th Dist. 2007).
7. *Id.* at 961-62, 874 N.E.2d 83.
8. *Id.* at 962-63, 874 N.E.2d 84-85.
9. *Id.* at 962, 874 N.E.2d 84.
10. *Id.* at 962-63, 874 N.E.2d 84.
11. *Id.* at 964, 874 N.E.2d 85.
12. *Id.* at 965, 874 N.E.2d 86.
13. *Id.* at 966, 874 N.E.2d 87.
14. *Id.* at 969, 874 N.E.2d 89.
15. *Id.*
16. *Id.* at 972, 874 N.E.2d 91.
17. *People v. Johnson*, 384 Ill.App.3d 409, 410, 893 N.E.2d 275, 276-77 (4th Dist. 2008).
18. *Id.* at 411, 893 N.E.2d 277.
19. *Id.*
20. *Id.* at 410, 893 N.E.2d 276.
21. *Id.* at 411-12, 893 N.E.2d 277-78.
22. *Id.* at 412, 893 N.E.2d 278.
23. *Id.* at 413, 893 N.E.2d 279.
24. *Id.* at 414, 893 N.E.2d 279-80.
25. *People v. Mott*, 389 Ill.App.3d 539, 540, 906 N.E.2d 159, 161 (4th Dist. 2009).
26. *Id.*
27. *Id.* at 540-41, 906 N.E.2d 161.
28. *Id.* at 541, 906 N.E.2d 161-62.
29. *Id.* at 541-42, 906 N.E.2d 162-63.
30. *Id.* at 544-45, 906 N.E.2d 164-65.
31. *Id.* at 544, 906 N.E.2d 164-65.
32. *Id.* at 546, 906 N.E.2d 165-66.
33. *Id.* at 546, 906 N.E.2d 166.
34. *Price*, 2011 IL App (4th) 110272 ¶ 6, 962 N.E.2d 1036.
35. *Id.*
36. *Id.* at ¶ 8, 962 N.E.2d 1037.
37. *Id.* at ¶ 10, 962 N.E.2d 1037.
38. *Id.* at ¶ 12, 962 N.E.2d 1037.
39. *Id.* at ¶ 22, 962 N.E.2d 1038.
40. *Id.* at ¶ 31, 962 N.E.2d 1040.
41. *United States v. Garcia-Garcia*, 633 F.3d 608, 609-10 (7th Cir 2011).
42. *Id.* at 610.
43. *Id.* at 611.
44. *Id.*
45. *Id.* at 612.
46. *Id.* at 615.

47. *Id.*

48. *Id.* at 615-16.

49. *Mott*, 389 Ill.App.3d 546, 906 N.E.2d 166.

50. 75 Pa. Cons. Stat. Ann. § 4524(c) (2006); see also Okla. Stat. tit. 47 § 12-404 (2007) (prohibiting any object that “materially obstructs, obscures, or impairs the driver’s view of the highway ahead or to either side or of any intersecting highway”).

51. NEB. REV. STAT. § 60-6,256 (2011).

52. *Mott*, 389 Ill.App.3d 546, 906 N.E.2d 166.

53. Ariz. Rev. Stat. § 28-959.01(B) (2008); see also Cal. Veh. Code § 26708 (2000); Colo. Rev. Stat. Ann. § 42-4-201(4) (2006); Conn. Gen. Stat. § 14-99f (2000) (prohibiting the placement of an item “in such a manner or location as to interfere with the operator’s unobstructed view of the highway”); Mich. Comp. Laws § 257.709 (2001); N.Y. Veh. & Traf. Law § 375(30) (2008); Va. Code Ann. § 46.2-1054 (2003); Wis. Stat. § 346.88(1)(b) (2007).

54. *Mott*, 389 Ill.App.3d 546, 906 N.E.2d 166.

55. MINN. STAT. ANN. § 169.71(a)(2) (2006).

56. S.D. CODIFIED LAWS § 32-15-6 (2004).

57. *Mott*, 389 Ill.App.3d 546-47, 906 N.E.2d 166.

58. *Mott*, 389 Ill.App.3d 547, 906 N.E.2d 166.

59. *Id.*

60. *Id.*

61. *Price*, 2011 IL App (4th) 110272 ¶ 38, 962 N.E.2d at 1041 (Appleton dissenting).

62. *Mott*, 389 Ill.App.3d 546, 906 N.E.2d 166.

63. See *Price*, 2011 IL App (4th) 110272 ¶ 38, 962 N.E.2d 1041 (Appleton dissenting) (stating “it is impossible for the trial court to make a ‘materiality’ determination without seeing the offending air freshener and without observing the object hanging from the rearview mirror”).

64. See *People v. Jackson*, 335 Ill.App.3d 313, 316, 780 N.E.2d 826, 828 (2nd Dist. 2002) (noting the arresting officer testified the air fresheners hanging from the rearview mirror were material windshield obstructions); *People v. Mendoza*, 234 Ill.App.3d 826, 838, 599 N.E.2d 1375, 1383 (5th Dist. 1992) (finding the trooper “was quite adamant” that the fuzzy dice “would have materially obstructed the driver’s view in some directions”).

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Thursday, 5/2/13 - Chicago, ISBA Regional Office—Medical Malpractice. Presented by ISBA Tort Law Section. 8:30 am - 5:00 pm.

Friday, 5/3/13 - Moline, Stoney Creek Inn—Civil Practice and Procedure Update - 2013. Presented by the ISBA Civil Practice and Procedure Section. All Day

Saturday, 5/4/13 - Oak Brook, The Hyatt Lodge at McDonald's Campus—DUI, Traffic, and Secretary of State Related Issues. Presented by the ISBA Traffic Laws/Courts Section Council. All Day.

Tuesday, 5/7/13 - Chicago, ISBA Regional Office—Legal Considerations for Entrepreneurs, Founders and Startups. Presented by the ISBA Intellectual Property Section. 8:30 AM - 4:30 PM.

Tuesday, 5/7/13 - Live Webcast—Legal Considerations for Entrepreneurs, Founders and Startups. Presented by the ISBA Intellectual Property Section. AM Session 8:30 AM - 12:00 PM. PM Session 1:00 - 4:30 PM.

Tuesday, 5/7/13 - Webinar—Intro to Legal Research on Fastcase. Presented by the Illinois State Bar Association - Complimentary to ISBA Members Only. 1:30 - 2:30 p.m. CST.

Tuesday, 5/7/13- Teleseminar—Choice of Entity for Service-based and Professional Practice Business. Presented by the Illinois State Bar Association. 12-1.

Wednesday, 5/8/13 - Chicago, ISBA Regional Office—Settlement in the Federal Courts. Presented by the ISBA Federal Civil Practice Section. 12:00 Noon - 4:30 PM.


Wednesday, 5/8/13- Teleseminar—Ethics and the Use of Metadata in Litigation and Law Practice. Presented by the Illinois State Bar Association. 12-1.

Thursday, 5/9/13 - Webinar—Advanced Tips for Enhanced Legal Research on Fastcase. Presented by the Illinois State Bar Association - Complimentary to ISBA Members Only. 1:30 - 2:30 p.m. CST.

Friday, 5/10/13 - Chicago, Bilandic Building—Ethics Extravaganza - Chicago Live 2013. Presented by the ISBA Standing Committee on Government Lawyers. 12:45-5pm.

Friday, 5/10/13 - Lincolnshire, Lincolnshire Marriott—General Practice Update 2013: Suburban Regional Event. Presented by the ISBA General Practice, Solo & Small Firm Section. 8:45 a.m. - 5:00 p.m. CLE Program. 5:30 p.m. - 7:00 p.m. Complimentary Reception Following (RSVP required).

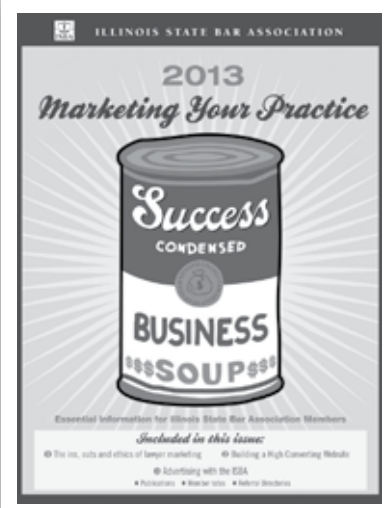
Monday 5/13/13 - Chicago, ISBA Regional Office—Achieving Diversity in Your Law Firm: Business Advantage and Best Practice. Presented by the ISBA Racial and Ethnic Minorities Section; Co-sponsored by the ISBA Sexual Orientation and Gender Identity Section; the ISBA Business and Securities Law Section; the ISBA Diversity Leadership Council; ISBA Standing Committee on Women and the Law Chicago Committee on Minorities in Large Law Firms and the Chinese American Bar Association. 12:30 pm. - 4:30 pm. 4:30 - 6:00 Reception. ■


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