

Lawyers Never Get the Last Laugh

By Reg P. Wydeven
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Important lawsuits can set legal precedent for decades to follow. The *Scopes* monkey trial, *Brown v. Board of Education*, and *Roe v. Wade* were landmark cases that are known simply by name. But no case in history was more highly anticipated by lawyers than *Nassau County v. Kash*.

Harvey Kash and Carl Lanzisera are the founders of Americans for Legal Reform, an organization based in Long Island, New York. The watchdog group monitors the courts and uses confrontational tactics to push for greater access for the public to the court system. For years, Kash and Lanzisera have stood outside courthouses in Long Island and mocked lawyers.

Last month, the pair was standing in line waiting to get into the Nassau County courthouse (coincidentally, because Kash had to answer to a drunken driving charge from 2003). While in line, Kash asked Lanzisera, "How do you tell when a lawyer is lying?" Both responded in unison, "His lips are moving."

Some members of the line chuckled, however, an attorney farther up the line was not amused. The lawyer asked them to immediately cease and desist and when they refused, he reported the pair to court personnel. Dan Bagnuola, a spokesman for the Nassau County courts, said the men were "being abusive and they were causing a disturbance."

So, to the delight of attorneys everywhere, deputies from the Nassau County sheriff's department arrested Kash and Lanzisera and charged them with disorderly conduct, a misdemeanor.

Law offices across the country looked like the New England Patriots' locker room after the Super Bowl as lawyers celebrated by pouring champagne over one another. As the American Bar Association was planning the parade to commemorate the pair being arrested for telling lawyer jokes, Kash vowed to fight the arrest at trial, stating, "This violates our First Amendment rights." Waiving his right to remain silent, Kash complained that, "They just can't take it," speaking of lawyers in general.

Kash and Lanzisera got the last laugh, however. Before the lawyers even got to blow the candles out on their cake, last week a grand jury dismissed the disorderly conduct charge against Kash. Similarly, the charge against Lanzisera was dropped because of insufficient evidence.

After the decision, Kash's lawyer, Ron Kuby proclaimed that, "It's still legal in America to tell jokes — even about lawyers." Even though he was merely doing his legal duty to preserve his client's civil rights, Kuby is no longer invited to the American Bar Association annual cookout.

While the Americans for Legal Reform may have won this round, lawyers are now looking for ways to amend the U.S. Constitution to make telling lawyer jokes unconstitutional. Until the amendment passes, here are some good ones you can tell the next time you're waiting in line:

- What do you call 1,000 lawyers at the bottom of the ocean? A good start.
- What do you do when your lawyer is buried up to his neck in sand? Look for more sand.
- What's the difference between a lawyer and a pothole? You swerve to avoid a pothole.
- Why does New Jersey have so much toxic waste while Washington D.C. has so many lawyers? New Jersey got first choice.
- Why do they bury lawyers in 12-foot graves? Because deep down, lawyers are good.

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