

# Chicago Daily Law Bulletin®

Volume 164, No. 151

Serving Chicago's legal community for 163 years

## Lawyer: Lake Shore Drive pilot had no other choice

BY DAVID THOMAS  
Law Bulletin staff writer

When Alan L. Farkas first heard about the pilot who landed his plane on Lake Shore Drive last week, he happened to be standing 5 feet away from where the pilot took off.

The plane had begun to lose power on its flight from Oshkosh, Wis., to La Porte, Ind. As he attempted to restore power, pilot John Ginley made a mayday call to air traffic control, who advised him to try to fly to Chicago Midway International Airport. That would have been a mistake, according to the SmithAmundsen LLC partner.

"A lesser pilot may have taken that instruction and say, 'I'll do my best to get there.' Had my client done that, I don't think it would have ended well for him or some unfortunate property owner between Soldier Field and Midway Airport," Farkas said.

Farkas declined to identify his client, but the Daily Law Bulletin reached Ginley by phone on Friday. The Ohio resident confirmed he was the pilot who landed on Lake Shore Drive, and he declined to comment.

Farkas said Ginley told air traffic control he didn't think he could make it to Midway Airport, so the controller recommended landing on Lake Shore Drive. That led to him landing the plane near the 3800 block of South Lake Shore Drive a little after 3:15 p.m. on July 27.

"Any other decision at that moment wouldn't have ended so well. The pilot and his passenger are fine. And other than a few people on the Drive who may have been a little delayed, there really was no harm from what he did, and that's pretty remarkable," he added.

Farkas happened to be at the EAA AirVenture Oshkosh, an airplane exhibition show sponsored by the Experimental Aircraft Association in Oshkosh, when Ginley flew off in a rented airplane. Ginley was a member of the airplane group known as the Metro



Alan L. Farkas

Warbirds, some of whose members Farkas knew.

As the chairman of the EAA's Legal Advisory Council, Farkas said his representation of the pilot made sense.

"I didn't have a pre-existing relationship with him, but we have mutual friends," Farkas said. "I'm an obvious choice for these kinds of issues."

Ginley departed from Oshkosh in an ERCO 415-D Ercoupe, a fixed-wing single-engine airplane built in 1946, according to the Federal Aviation Administration's database. Because the plane did not have the equipment that would allow it to share the same airspace as commercial airliners, Ginley followed the Lake Michigan shore south, Farkas said.

Ginley was flying with a friend, who was also a student pilot. Farkas said she was helping his client monitor the gauges and assess the situation. Farkas declined to identify the friend.

The plane is registered with the FAA to Olson Products Inc., an insect-control company based in Medina, Ohio. Farkas said Ginley was ultimately bound for Medina to return the plane.

Farkas has been practicing aviation law for nearly 25 years. There's a wide variety to his practice. One day, he might be working on a case involving the transfer of military aircraft between countries; the next day, he's working on catastrophic crashes.



A small plane made an emergency landing on Lake Shore Drive, temporarily halting traffic at the beginning of evening rush hour, rests on the road on July 27. Chicago attorney Alan L. Farkas is representing an Ohio man who was piloting the plane at the time.

Chicago Fire Department via AP

If anything, it's easier to list the kinds of legal action he doesn't get involved with, Farkas said. Farkas said he is not involved in bringing personal-injury suits against pilots and airlines, nor does he get involved with large aircraft or fleet transactions involving cargo companies.

Farkas is representing Ginley while the FAA conducts an investigation of the plane's landing on Lake Shore Drive. While a spokesman for the FAA's Chicago office declined to comment, Farkas said an inspector told him it looked like his client was in the clear.

The FAA looks for regulatory breaches, Farkas said — whether there was something the pilot or the mechanic should have done or inspected prior to takeoff. According to Farkas, the aircraft lost power because the throttle linkage became disconnected during the flight; the aircraft had been properly maintained.

"There's nothing different that could have, should have been done on the maintenance side," Farkas said. "These engines produce a good bit of vibrations. It's an unfortunate situation, but it doesn't mean someone didn't do their job. I don't see the FAA ... holding

anybody accountable for a regulatory breach."

Farkas said airplane incidents are rare, but he suggested an airplane incident where no one is injured is rarer.

"The only cases I'm aware of are situations that ended badly," he said.

Farkas said he has a picture of an old case on his office wall: It's a Piper PA-28 Cherokee aircraft that had crashed into a house in Schaumburg in 1996. At least one of the passengers in that plane suffered a head injury with short-term and long-term memory loss, left leg fractures, crushed right heel, two broken wrists, fractured vertebra and impaired gait and balance.

That passenger sued both the pilot and the owner of the aircraft, whom Farkas represented with his firm at the time, Madsen, Farkas & Powen. A Cook County jury in 2002 imposed a \$6.8 million verdict on the pilot and only 6 percent on Farkas' client.

"I'm not aware of another recent example where the pilot was able to put it together and make a safe, uneventful landing like this," Farkas said. "It's pretty rare where a pilot is confronted with this situation at all."

dthomas@lawbulletinmedia.com