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June 5, 2014
Convene - Times Square
New York, NY



Aviation Litigation Seminar

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Program Description

Stay up to date on the current developments, ethical issues, and new trends in aviation litigation. During this one-day program, our distinguished faculty of seasoned litigators will address topics such as:

- Significant recent legal developments and case law
- The ethics of prepping and presenting witnesses for deposition or trial
- Impact of unmanned aerial vehicles in aviation litigation
- Effectively handling non-catastrophic aviation cases
- Pilot training issues and litigation
- Recent applications of the General Aviation Revitalization Act
- Legal, regulatory, and insurance implications of space tourism
- New treatment of NTSB factual reports

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Agenda

Thursday, June 5, 2014

8:00 a.m.	Registration and Continental Breakfast
8:25 a.m.	Welcome Jeremy I. Hager
8:30 a.m.	Aviation Update Speakers: Nelson Camacho, Andrew J. Maloney, III, Therese Stevens-Loucks This team of aviation litigators will report on the latest developments in aviation and insurance law, presenting case law from the plaintiff's and defendant's perspectives.
9:30 a.m.	The Ethics of Prepping and Presenting Witnesses for Deposition or Trial Speaker: Prof. Stephen A. Saltzburg
	 Please join our featured speaker, ethics professor Stephen A. Saltzburg, as he addresses a number of fascinating vignettes dealing with clients, parties, experts and lay witnesses, all with a great visual program.
10:30 a.m.	Break
10:40 a.m.	General Aviation Revitalization Act - Was Congress Right to Pass This Act? Speakers: Brian Alexander, Steve Coxhead, Amy Furness, Russ Mirabile, Frederick C. Schafrick This federal 18-year statute of repose for civil actions against manufacturers of general aviation aircraft and component parts has had a profound impact on product liability litigation. Representatives from the defense bar, plaintiffs' bar and XL Insurance will closely examine the increased litigation expense manufacturers now face, the effect GARA has had on aviation litigation, the potential impact on pricing of aviation products, as well as insurance coverage available (and unavailable) in the market today. This session will investigate whether GARA really led to an industry resurgence, lower prices, and an end to costly aviation litigation.
11:40 a.m.	Lunch Served
12:00 p.m.	Keynote Address, Sponsored by Tomaszik Kotin Kasserman, Trial Lawyers Brian M. Jenkins, Ph.D., the world's leading authority on terrorism and sophisticated crime. Mr. Jenkins serves as the Senior Advisor to the President of the Rand Corporation. He also is the Director of the National Transportation Security Center at the Mineta Transportation Institute. President Clinton appointed Mr. Jenkins to be a member of the White House Commission on Aviation Safety and Security. He will be speaking on the Current Terrorist Threat to Commercial Aviation and a Fundamental Review of Four Decades of Aviation Security.

Agenda (Cont'd.)

1:00 p.m.	Break
1:05 p.m.	Space/Sub-Orbital Tourism: Legal, Regulatory, and Insurance Implications of Your Ticket to Ride Speakers: Doug Griffith, John A. Horner, Roberta Miranda, Stephen Tucker This panel discussion will explore the many issues raised by the imminent launch of this new commercial industry. Subjects such as waivers and the effectiveness of informed consent, government regulation for sub-orbital and orbital flight, and how insurers are likely to respond to the hybrid aviation/space risks presented in a non-commoditized market/industry will all be explored. The presentation will conclude with our panelists' predictions regarding what to expect in the days to come based on analogies to past industry start-ups.
2:05 p.m.	Automation Addiction and Pilot Training Speakers: George Jehn, Jeannete C. Lewis, John M. Murray, Mark D. Pierce Human error has been documented as the primary contributor to more than 70% of commercial airplane hull-loss accidents. From Asiana Airlines #214, Air France #447, and Colgan Air #3407 to the introduction of glass cockpit avionics into general aviation aircraft, emphasized training on systems analysis, as well as human factors issues including pilots' reluctance and/or inability to "hand fly" the aircraft, have played a role in several recent preventable losses and given rise to the term "automation addiction." How do we best approach the issue in the interest of flight safety as well as the emerging receptiveness by some courts to acknowledge causes of action for aviation educational malpractice?
3:05 p.m.	Break
3:15 p.m.	Federal Rules of Evidence: Treatment of NTSB Reports and Underlying Findings Speakers: Scott Brooksby, Michael Hession, Timothy S. Tomasik, Maura Walsh, Keith Williams This panel of experienced litigators and industry experts will discuss admissibility of government agency investigation reports under the Federal Rules of Evidence.
4:15 p.m.	Keeping the Butter on the Bread: Effective Handling of Non-Catastrophic Aviation Cases Speakers: Frederick Alimonti, Brian Friedman, John Oh, Sherry Ortiz, Lili Beneda Rubenstein, Todd Worthe The vast majority of aviation cases are not air disasters or even cases involving death or serious injury. Rather, many aviation cases, particularly in the airline sector, involve relatively minor injuries both on and off the aircraft. Airlines defend hundreds of cases like this a year and many aviation firms rely on these more modest cases to help "keep the lights on." Yet, these smaller cases present unique

Agenda (Cont'd.)

challenges and exposures. If mishandled, they can prove expensive and essentially unwinnable. Among the points this panel will address are:

- What is effective handling of such a case? Is it the same as efficient or inexpensive?
- What can each side do to help the other resolve these claims?
- What are some possible shortcuts in the right case, e.g., can you skip a deposition or an independent medical exam?
- How can you work your way around a big lien in a small case?
- When is the right time to mediate?
- How is responsibility shared among lawyer, insurer, and insured? Who makes the decisions and who is “in the loop?”
- When do you take a no pay position, and what are the risks?

5:15 p.m.

Unmanned Aircraft Systems: Emerging Issues in a Fast-Growing Field

Speakers: Stuart R. Fraenkel, Patton Kline, Douglas McQueen, Brendan M. Schulman, James Van Meter

Join our panel of experts as they engage in a roundtable discussion focused on the evolving regulatory, liability, privacy, and insurance landscape arising from the manufacture and end-user operation of unmanned aircraft systems (i.e. drones). The discussion will include first-hand impressions from the lead attorney who successfully defended against the first-ever FAA enforcement action against a commercial drone operator.

6:15 p.m.

Closing Remarks

6:30 p.m.

Reception



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www.americanbar.org/groups/litigation/events_cle/2014_aba_annual.html

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