

JOURNAL OF AIR LAW
AND COMMERCE

PRESENTS THE

Forty-Fifth
Annual
SMU
AIR LAW
SYMPOSIUM

MARCH 31-
APRIL 1, 2011



WEDNESDAY, MARCH 30, 2011

- 6:00 P.M. Welcome Reception
6:00 P.M. –
9:00 P.M. Early Check-in & Late Registration

THURSDAY, MARCH 31, 2011

- 7:45 A.M. Continental Breakfast

MORNING SESSION

Charles A. Tarpley, Presiding

- 8:30 A.M. Welcoming Remarks
8:45 A.M. **William V. O'Connor**
Morrison & Foerster LLP – *Recent Developments in Aviation Law*
9:45 A.M. **Patrick E. Bradley**
Reed Smith LLP – *Recent Developments in Regional Air Carrier Litigation*
10:15 A.M. Coffee Break

Dorothea M. Capone, Presiding

- 10:35 A.M. **Jennifer P. Henry**
Thompson & Knight LLP – *Tarmac Delay Legislation and the Volcanic Ash Cloud Over European Airspace: One Year Later*
11:05 A.M. **Alan L. Farkas**
Madsen Farkas & Powen, LLC – *Hellerstein's Shadow: The Future of Negligent Security Claims Against Airlines and Airports*
11:35 A.M. **The Honorable Loretta A. Preska**
Chief Judge, U.S. District Court for the Southern District of New York – *Pre-Litigation Preservation of Electronically Stored Information: Ethical Duties and the Ramifications of Breaching These Duties*

Charles A. Tarpley, Presiding

- 12:15 P.M. Luncheon
Presentation of the 15th Annual John J. Tigert VI Memorial Scholarship
12:45 P.M. **The Honorable Loretta A. Preska**
Chief Judge, U.S. District Court for the Southern District of New York – *Terrorists in Our Midst – or at Gitmo: Practical Considerations in Trying Terrorism Cases in an Article III Court*

AFTERNOON SESSION

Don G. Rushing, Presiding

- 1:45 P.M. **Kristi M. Pfothenauer**
Baker Sterchi Cowden & Rice, L.L.C. – *The General Aviation Revitalization Act: Recent Developments in the Application of GARA*
2:15 P.M. **Jonathan M. Stern**
Schnader Harrison Segal & Lewis LLP – *From Conley to Twombly: New Pleading Standards Require Facts Rather Than Conclusions and "Plausibility" In Aviation Product Liability Cases*
2:45 P.M. **Diana Gurfel Shapiro**
Condon & Forsyth LLP – *Practical Realities of ESI Discovery*
3:15 P.M. **Alison L. McKay**
Law Offices of Paul A. Lange, LLC – *Zubulake Mutating: Counseling Clients to Preserve Evidence*
3:45 P.M. Coffee Break

Debra D. Fowler, Presiding

- 4:05 P.M.** **John C. Nettels, Jr.**
Stinson Morrison Hecker LLP – *Standard of Care Preemption in Aviation Litigation: Halting Steps to a Coherent Analysis*
- 4:35 P.M.** **John G. Browning**
Thompson, Coe, Cousins & Irons, LLP – *Digging for the Digital Dirt: Discoverability and Admissibility of Social Media Evidence*
- 5:20 P.M.** **Charles A. Tarpley**
Closing Remarks
 Raffle Sponsored by Southwest Airlines
Presentation of the 8th Annual International Aviation Womens Association Scholarship
- 5:35 P.M.** Reception

FRIDAY, APRIL 1, 2011

7:45 A.M. Continental Breakfast

MORNING SESSION

H. Norman Kinzy, Presiding

- 8:30 A.M.** *Insurance Panel – Current Aviation Insurance Claims Issues*
Panelists: **Franklin F. Bass**, Catlin Underwriting Agencies, Ltd.
 Harry Cibak, Global Aerospace
 David E. Gourgues, Aviation Light Services Corporation
- 9:30 A.M.** **Elaine D. Solomon**
Blank Rome LLP – *Criminalization of Air Disasters: What Goal, If Any, Is Being Achieved?*
- 10:00 A.M.** Coffee Break

Kathlynn G. Fadely, Presiding

- 10:20 A.M.** **Barry F. Benson**
U.S. Department of Justice – *The FTCA: Tips for the Prudent Practitioner*
- 10:50 A.M.** **Paul M. Brown**
U.S. Department of Justice – *If You're Going to Sue the United States, At Least Do It Right*
- 11:20 A.M.** **David T. Norton**
Shackelford, Melton & McKinley, LLP – *2011 Business Aviation Law Update: From FARs to FET, Flight Paths are Changing*

Charles A. Tarpley, Presiding

- 12:00 P.M.** Luncheon
 Presentation of the 12th Annual Wayne Vines Memorial Scholarship for Aviation Safety
- 12:30 P.M.** **Captain Robert Lee “Hoot” Gibson**
Former NASA Astronaut and Retired Naval Aviator – *Pilot Expert Adventures*

AFTERNOON SESSION

Ladd Sanger, Presiding

- 1:30 P.M.** **Frederick P. Alimonti**
Alimonti Law Offices, P.C. – *Ethics in the Skies: An Examination of Potential Ethical Issues and Obstacles in a Hypothetical Air Disaster Litigation*
- 2:30 P.M.** **Charles A. Tarpley**
Closing Remarks
 Raffle Sponsored by American Airlines and Aviation Law Week
- 2:45 P.M.** Closing Reception

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Fmr. NASA Astronaut and Retired Naval Aviator - *Murfreesboro, Tennessee*

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Stinson Morrison Hecker LLP - *Overland Park, Kansas*

DAVID T. NORTON

Shackelford, Melton & McKinley, LLP - *Dallas, Texas*

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Morrison & Foerster LLP - *San Diego, California*

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SYMPOSIUM REGISTRATION FORM

Please complete and return this form to:

SMU AIR LAW SYMPOSIUM
P.O. Box 750116, Dallas, Texas 75275-0116
(214) 768-2570 Fax (214) 768-3946
Or register online at www.smuairlawsymposium.com

Please register the following person(s) for the 45th Annual SMU Air Law Symposium, March 31-April 1, 2011. The following information will be published in the Attendees List at the Symposium. Please fill in all of the information requested below.

Name(s) _____
Firm _____
Office Address _____
City/State/Zip _____
Office Phone _____ Fax _____
E-Mail _____

REGISTRATION RATES PER PERSON (Includes sessions, materials, meals, and receptions).
Check appropriate box:

- \$395** Early Registration if received by February 28, 2011.
- \$445** Regular Registration.
- \$225** First-Time Attendee Rate (please call Symposium office to register – (214) 768-2570).
- Additional copy of course materials (includes hard copy and computer disk) at \$100 each, shipping and handling included.
- Guest(s) - Registrants may bring guests to meals and receptions, but not academic sessions. Guests will not receive CLE credit or course materials (unless paid for separately) and cannot participate in the raffles. Please indicate the number of guest purchases below.
__breakfasts (\$25, up to 2/guest) __luncheons (\$40, up to 2/guest) __receptions (\$35, up to 3/guest)

See General Information, "Registration Fees," for Government and Student Rate information.

Materials: We are offering attendees a choice on how you wish to receive your symposium materials. Please choose one of the following: Book/CD CD only

PAYMENT MUST ACCOMPANY REGISTRATION. Make check payable to *SMU Air Law Symposium* or provide credit card information below.

Billing Information

Credit Card Type (**MASTERCARD OR VISA ONLY**) Mastercard Visa
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(3-digit number on back of card)
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**OMNI MANDALAY HOTEL AT LAS COLINAS
ROOM REQUEST INFORMATION**

45th ANNUAL SMU AIR LAW SYMPOSIUM, MARCH 8, 2011.

Omni Mandalay Hotel at Las Colinas, 221 East Las Colinas Blvd., Irving, Texas 75039
Call 1(888) 444-OMNI (6664) or (972) 556-0800 for room reservations.

You may also go online at the SMU Air Law Symposium webpage reservation link,
<http://www.omnihotels.com/FindAHotel/DallasMandalay/MeetingFacilities/SMUAirLawSymposium3.aspx>.

Single (one person)\$145
Double (two persons)\$145
Suites from\$185

THESE RATES ARE GUARANTEED ONLY UNTIL MARCH 8, 2011.

GUARANTEED RESERVATION 72 HOURS PRIOR TO SCHEDULED ARRIVAL. Rates subject to applicable taxes, currently 15%. Special Rates are also available for triple or quad occupancy. For further information, please inquire with the hotel.

Please note: The special room rates are limited and are not available if you book your reservation through a travel agent. Reservations received after **March 8, 2011**, will be booked on a space available basis. Check in time is 3:00 p.m. Check out time is 12:00 p.m. YOU MUST GUARANTEE YOUR ROOM WITH A CREDIT CARD OR BY CHECK OR MONEY ORDER PAYABLE TO THE OMNI MANDALAY HOTEL AT LAS COLINAS IN THE AMOUNT OF THE FIRST NIGHT'S ROOM RENTAL. ROOM CHARGES FOR ONE NIGHT WILL BE BILLED FOR FAILURE TO CANCEL GUARANTEED RESERVATION 72 HOURS PRIOR TO SCHEDULED ARRIVAL.

GENERAL INFORMATION

SYMPOSIUM INFORMATION: Contact the **SMU Air Law Symposium**, Southern Methodist University Dedman School of Law, P.O. Box 750116, Dallas, Texas 75275-0116; call (214) 768-2570; or e-mail at browning@smu.edu.
Website: <http://www.smuairlawsymposium.com>

LOCATION: The 45th Annual SMU Air Law Symposium will be held at the Omni Mandalay Hotel at Las Colinas, 221 East Las Colinas Blvd., Irving, Texas 75039. Reservations may be made online or over the phone. For phone reservations, please call the hotel directly at 1-888-444-OMNI (6664). Be sure to identify yourself as a registrant for the SMU Air Law Symposium. Online reservations may be made at our group webpage reservation link, <http://www.omnihotels.com/FindAHotel/DallasMandalay/MeetingFacilities/SMUAirLawSymposium3.aspx>. Reservations should be made prior to **March 8, 2011**. **NO TRAVEL AGENTS PLEASE.**

AIRLINE TRANSPORTATION: **American Airlines** is the official carrier for the 2011 SMU Air Law Symposium. American Airlines offers a discount rate on U.S. and Canadian travel fares for Symposium attendees. To obtain the discount, reservations may be made online at www.aa.com using our Group Meeting Number/Promotion Code: **6631BV**. Registrants may also call American Airlines' toll free number: 1-800-433-1790. An additional \$20 administration fee will apply to all reservations made by phone; please identify yourself as a registrant of the SMU Air Law Symposium, and request the best available fare.

Avis Rent-A-Car has joined with American Airlines to provide for the car rental needs of Symposium attendees. The Avis Worldwide Discount Number assigned to the SMU Air Law Symposium is **D087601**. To receive discounted car rental rates, you may reach Avis directly at 1-800-331-1600.

REGISTRATION FEES: Early Registration is **\$395** per person. To secure this discount rate, payment of \$395 must be **received in full by February 28, 2011**. After February 28, 2011, the registration fee is **\$445** per person and is payable at or before the Symposium. **As a special incentive to first-time attendees, a special rate of \$225 is offered. To take advantage of this rate, please call (214) 768-2570. You must contact our office to register as a first-time attendee.**

The Government registration fee is **\$300** per person, payable at or before the Symposium. The Student registration rate is **\$125** per person, payable at or before the Symposium. The Government and Student rates are restricted to full-time employees of state or federal government agencies and full-time students. Requests for these special rates must be made on government or school letterhead. Please contact our office at (214) 768-2570 to register. Online registration is not available.

The registration fee includes the cost of all sessions of the Symposium, one set of Symposium materials, both luncheons, both continental breakfasts, all coffee breaks, all cocktail receptions, and a one-year subscription to the *Journal of Air Law and Commerce* (Student rate does not include journal subscription).

REFUND/CANCELLATION POLICY: Registrants who cancel their registration and do not attend the Symposium will receive the Symposium materials via U.S. mail following the Symposium. These registrants will also receive a letter entitling them to a credit to be used when registering for a future Symposium. The credit will be in the amount of the registration fee paid, less \$150 for the cost of materials and administrative expenses. Registrants must present the letter prior to a future registration in order to redeem the credit. The Symposium assumes no responsibility for maintaining records of cancellations or credited sums.

CLE ACCREDITATION: The 45th Annual SMU Air Law Symposium provides registrants with continuing legal education credits suitable to meet various states' mandatory continuing legal education requirements. Registrants wishing certification of their attendance to be sent to the appropriate boards **MUST SIGN IN** at the CLE Information Desk at registration for **all sessions** attended and provide all information needed for certification. Depending on each state bar, generally 8 to 10 hours of CLE credit are awarded for attending the Symposium. For CLE information, please call Robert Stanulis or Laurie Velasco at (214) 768-3465.

COURSE MATERIALS: Each registrant receives all course materials (hard copy and computer disk) as a part of the registration fee. You may also opt to receive the CD only (see "Registration Form"). Symposium attendees may purchase additional copies of course materials at the Symposium for \$100. Those unable to attend the Symposium may order the course materials separately for \$100, which includes shipping and handling.

Journal of Air Law and Commerce
Southern Methodist University
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FORTY-FIFTH ANNUAL

SMU AIR LAW SYMPOSIUM

MARCH 31-APRIL 1, 2011 — DALLAS, TEXAS

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