



# Air & Transportation Law Reporter

International  
Air & Transportation  
Safety Bar  
Association



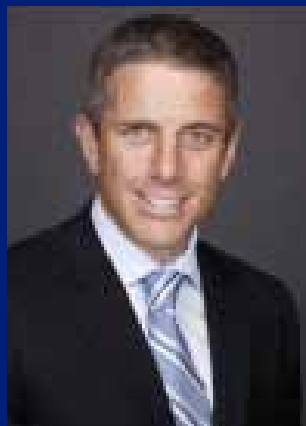
ISSUE

01

FEB  
2015

# President's Message

by  
Justin Green



**JUSTIN GREEN** joined Kreindler & Kreindler LLP in 1997 after clerking for the Honorable Alfred J. Lechner in the Federal District Court for the District of New Jersey. He became a partner in January of 2003. Justin focuses his practice on helping families of aviation disaster victims, but also litigates other complex matters. Justin learned to fly while in the United States Marine Corps and served as his squadron's aviation safety officer after graduating from the Naval Postgraduate School's aviation safety program. He was responsible for his squadron's aviation safety, and also for investigating accidents. He holds an airplane and helicopter commercial license from the Federal Aviation Administration. As an aviation lawyer, Justin has successfully represented families in dozens of major aviation cases, including most recently the families of Continental Connection Flight 3407 and Turkish Airlines Flight 1951 victims. He edits Kreindler, Aviation Accident Law published by Lexis/Nexis.

Dear Members:

I want to wish all of our members a happy and peaceful new year.

I am writing to invite you to become more involved with IATSBA. We need a few good men and women to step up into the IATSBA leadership. Right now we are looking for a new Membership Chair, which is an important role that provides terrific opportunities for networking since you will be communicating with virtually every lawyer practicing aviation law in the U.S. during your tenure. Over the next year we will be seeking candidates for many additional leadership roles, from the President on down. From personal experience, I can tell you that the reward of service to IATSBA provides an outstanding return on the investment. Please contact me at [JGreen@Kreindler.com](mailto:JGreen@Kreindler.com) to express your interest in becoming our Membership Chair or assuming other leadership roles in the Bar.

We are in the process of considering some changes, most notably moving our annual conference from the Fall to the Spring. It seems that almost every bar group holds their conferences in the Fall, and with the holidays and year end pressures, we are considering whether

it will be easier for our membership to attend a conference in the Spring. We want to hear from you if you have a position on this point.

We were very happy with the conference in November and believe that the educational panels and the social events, in particular the Gala dinner in the historic Hudson Theater on Broadway -- from which the Tonight Show was first broadcast -- were first class. I want to thank all of our sponsors and everyone who helped put on the program, especially our program director Greg Winton. We only wish that more members had attended and want to make whatever changes that are necessary to promote attendance at our conferences in the future. To this end, we would like to hear from you about what you believe would promote better attendance, whether it be something related to location, timing, educational programming, pricing or any other matter. If you have any feedback on this very important question, please either call me at (212) 973-3403 or email me at my email address provided above.

I look forward to a terrific 2015 for IATSBA!

Justin

# Editor's Column

by  
Greg Reigel

It's time again for another edition of the edition of the Air & Transportation Law Reporter! As I write this column, the Northeast part of the country has been buried in snow by blizzard after blizzard this winter. I'm sure many people are wondering, or will be wondering once they have dug themselves out, where all of the water from that snow will go when it melts in the spring. For now, if you are a ski-plane flyer potential runways abound, at least once the latest blizzard blows through. But when spring eventually arrives that floatplane rating may come in really handy.

Here in the Midwest, we haven't had anywhere near the amount of snow most winter enthusiasts would like, leaving hard-packed, bumpy surfaces for landing a ski-plane. And in further contrast to the Northeast, this leaves many in the Midwest wondering about the possibility of drought conditions due to the lack of snow melt in the spring. Of course, we have still experienced the frigid, sub-zero temperatures typical for this time of year, which give any aircraft pre-heater a run for its money. For me, a winter non-enthusiast, the sub-zero temperatures are reason for me to still consider a move to someplace warm - maybe Texas.

In this edition of the Reporter, Justin Green's President's Column recaps the recent IATSBA conference in New York City which was a resounding success, and also encourages members to consider volunteering for IATSBA leadership positions. We also have another article by Justin

discussing the Montreal Convention and its application in the context of the crash of Malaysia Airlines Flight 370. John Yodice discusses the challenges respondents' counsel face in seeking reversal of a decision by an NTSB administrative law judge as well a Board decision in which the outcome of an airman's appeal may well have changed if the Board had reinstated the express requirement for proof of endangerment under 14 C.F.R. § 91.13(a).

From the NTSB Office of the General Counsel we have an article by Katie Inman discussing the Board's recent decision ordering the *Pirker* drone case remanded for hearing. We also have an article by Paul Grocki examining implementation of the FAA's aircraft registration expiration and renewal regulations and some of the resulting issues that are now being litigated. And finally, past-presidents Gary Halbert and Tony Jobe pay tribute to Bill Elder, a long-time IATSBA member who recently flew west.

As always, if you would like to see your name in print or simply add a notch to the "publications" section of your resume, please send me your articles for inclusion in the Reporter. If you have an article written already, or if you haven't yet put pen to paper but would like to discuss ideas for an article, please let me know. I am happy to work with you no matter what stage you are at in the writing process.

I hope you enjoy this edition of the Air & Transportation Law Reporter.



**GREG REIGEL** is an aviation attorney and holds a commercial pilot certificate (single engine land and sea and multi-engine land) with instrument rating. His practice concentrates on aviation transactional and litigation matters. Greg is also an Adjunct Professor at William Mitchell College of Law teaching the Advocacy and Advanced Advocacy courses, and he is an Adjunct Professor at Minnesota State University - Mankato teaching the Aviation Law and Aviation Transactions courses.



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*This column is intended as an aid to practitioners, including panel attorneys of the AOPA Legal Services Plan, to keep abreast of recent developments in the law and procedures governing FAA enforcement actions. Your comments and suggestions are welcome.*

## LAW JUDGE'S RULINGS DIFFICULT TO OVERTURN ON APPEAL

Respondents' counsel are advised to take due note. We are reporting a case in which the substantive facts are less important to practitioners than its recitation of procedural rules and precedents that often cause problems for respondents' counsel. The recitations occur in an opinion of the National Transportation Safety Board deciding an appeal by a respondent-pilot in an FAA enforcement case. In *Administrator v. Gerber*, the Board affirmed an NTSB administrative law judge's initial decision that respondent violated 14 C.F.R. § 91.405(a) when he failed to have his Lear 55 aircraft inspected after mechanics discovered discrepancies. The FAA suspended respondent's Airline Transport Pilot certificate for 75 days.

Law Judge's Discretion. An important stumbling block frequently encountered by respondents' counsel is the amount of discretion given to the Board's administrative law judges. In this case, the full Board took occasion to emphasize its precedents giving virtually unbridled discretion to its law judges in conducting hearings and overseeing discovery, and insisting on a showing of prejudice before considering any respondent objections. Counsel need to anticipate

and prepare for the requirement of a showing of prejudice. The Board stated "[w]e typically review our law judges' evidentiary or procedural rulings under an abuse of discretion standard, after a party can show such a ruling prejudices him or her." The Board affirmed the law judge's quashing of a discovery subpoena duces tecum for documentation regarding an FAA investigation into a service center and its employees. These would be the same employees who were called by the FAA to testify that they discovered the discrepancies on the aircraft that respondent failed to have inspected, leading to the enforcement case against respondent.

Reasonable Reliance. The Board also rejected the respondent's affirmative defense of "reasonable reliance," considerably narrowing the scope of its applicability. In his defense, the respondent argued that he relied on the fact that the service center staff returned the aircraft to service without listing the discrepancies in the aircraft logbook, which indicated to respondent that he could legally operate the aircraft. Such a logbook entry is required by regulation. The service center even admitted suggesting to respondent that he "take the aircraft

up with a tech” to assess unrelated repairs made by the service center, reinforcing respondent’s reliance. In rejecting the defense, the Board said: “Our doctrine of reasonable reliance is one of narrow applicability,” citing to the controlling case of *Administrator v. Fay and Takacs*, NTSB Order No. EA-3501 (1992).

Credibility. Challenging a law judge’s determination of the credibility of witnesses on appeal meets an almost insurmountable stumbling block. Be on guard if FAA counsel asks the law judge to expressly make such determinations in his initial decision, rendering such determinations nearly bullet proof. In this case, at the hearing, the law judge chose to believe the testimony of FAA’s witnesses, and to disbelieve the respondent’s testimony. The full Board, on appeal, refused to disturb these credibility determinations, saying “as we stated in *Porco* [the leading Board precedent on credibility, NTSB Order

No. EA-5591], we will not disturb such credibility determinations tied to actual findings supported by the record. Here we find the law judge’s findings were not arbitrary and capricious.”

Judge’s Bias. And lastly, the Board rejected respondent’s contention that the law judge exhibited bias against respondent’s case throughout the hearing, although the Board conceded that “the hearing transcript shows the law judge exhibited a brisk demeanor toward both attorneys.”

We offer no comment on the result in this case, but we are constrained to offer the caution that sometimes respondents counsel are misled because these stumbling blocks are more rigorously enforced by the NTSB than in their local litigation practice and appellate courts. Forewarned is forearmed. *Administrator v. Gerber*, NTSB Order No. EA-5715 (2014)



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## CARELESS OR RECKLESS OPERATION

A peculiarity of FAA enforcement cases is the NTSB’s holding that any proven operational violation automatically establishes a finding of violation of 14 C.F.R. § 91.13(a). In *Administrator v. Baker*, the FAA Administrator charged a respondent-pilot with violations of 14 C.F.R. §§ 91.7(a) (“No person may operate a civil aircraft unless it is in an airworthy condition”) and 91.13(a) (“careless or reckless operation”) based upon his operation of a Bombardier CL 600 aircraft while it had damage to the louvered vents under the number 1 engine of the aircraft. At a hearing

before an NTSB administrative law judge, the law judge affirmed the Administrator’s un-airworthiness charge of violation of 14 C.F.R. § 91.7(a), but did not affirm the 14 C.F.R. § 91.13(a) “careless or reckless” charge because of the minor nature of the damage and the uneventful subsequent flight.

The law judge reduced the period of the ATP certificate suspension from 45-days to 30-days. Both the respondent and the Administrator appealed to the full Board. The Board denied respondent’s appeal and granted the Administrator’s

appeal. In support of its decision, the Board stated “[u]nder our jurisprudence, when the Administrator has proven an operational violation of the Federal Aviation Regulations, the Administrator has also established a violation of Section 91.13(a), because the action of violating an operational violation is unequivocally careless or reckless.” Thus, the finding of carelessness and recklessness is automatic. As a result, the Board re-instated the full 45-day suspension of the respondent’s ATP certificate. *Administrator v. Baker*, NTSB Order No. EA-5721 (2014).

To put this case in more context, the Board has earlier written out of 14 C.F.R. § 91.13(a) the requirement that the FAA prove endangerment; that is, the regulatory requirement

that the carelessness or recklessness must “endanger the life or property of another.” *Administrator v. Corrao*, NTSB Order No. EA-5448 (2009). However, the language of section 91.13(a) states that: “No person may operate an aircraft in a careless or reckless manner so as to endanger the life or property of another.” Endangerment could well have been an issue in the *Baker* case, requiring exploration of the judge’s determination that the damage was minor. But that issue was not addressed. Consequently, at the next opportunity the Board should reconsider reinstating the express requirement for proof of endangerment.

## National Officers

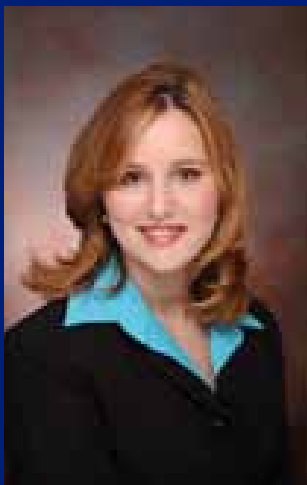
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# NTSB General Counsel

by:  
Katie Inman



## KATIE PLEMMONS INMAN

joined the Office of General Counsel in 2005. Ms. Inman handles cases on the Board's enforcement docket, and serves as the attorney overseeing rulemaking under the Administrative Procedure Act. Ms. Inman has also served as the attorney overseeing compliance with and litigation regarding various statutes involving the availability of information, such as the Freedom of Information and Privacy Acts. Prior to joining the Board, Ms. Inman served as a law clerk to a Federal judge in the Eastern District of Texas, where she assisted in research and drafted opinions on a variety of issues. Ms. Inman has also authored and published articles in scholarly journals concerning the legislative process and Federal programs.

On November 18, 2014, the Board issued a notable Opinion and Order in a case concerning an unmanned aircraft (UAS). *Administrator v. Pirker*, NTSB Order No. EA-5730 (2014). The FAA civil penalty order alleged respondent violated 14 C.F.R. § 91.13(a) by operating a Ritewing Zephyr, which is an unmanned aircraft, on the campus of the University of Virginia in a careless or reckless manner. The order sought a civil penalty of \$10,000.00. Respondent filed a timely appeal of the order.

The Board's Opinion and Order concludes that a UAS is included in the definition of "aircraft" in 49 U.S.C. § 40102(a)(6) which provides "[A]ny contrivance invented, used, or designed to navigate, or fly in, the air" and 14 C.F.R. § 1.1.

To reach this conclusion, the Board reviewed the administrative law judge's conclusion that applying any section of the Federal Aviation Regulations ("FAR") to a UAS would be akin to applying the FAR to model aircraft. The law judge had granted respondent's appeal on the basis that the Administrator could not apply 14 C.F.R. § 91.13(a) to unmanned aircraft. The law judge stated respondent's Zephyr was comparable to a model aircraft and a 1981 FAA Advisory Circular indicated the Administrator would not regulate model aircraft.

The Administrator appealed the law judge's order. The Administrator argued the law judge erred in determining respondent's Zephyr was not an

"aircraft" under 49 U.S.C. § 40102(a)(6) and 14 C.F.R. § 1.1. In addition, the Administrator further asserted the law judge erred in determining respondent's aircraft was not subject to the FAR.

In order to reach this result, the Opinion and Order included a conclusion that unmanned aircraft are "aircraft" under the FAA's authorizing legislation. The opinion included a discussion of the plain language of the definition of "aircraft" from both Congress (49 U.S.C. § 40102(a)(6)) and the FAA (14 C.F.R. § 1.1). In addition, the Board addressed the concept that the Administrator may interpret 14 C.F.R. § 91.13(a) as applicable to unmanned aircraft because such an interpretation is reasonable. The Board applied the standard of reasonableness based upon United States Supreme Court precedent holding an agency may validly interpret a regulation via an adjudicative decision as long as such an interpretation is reasonable.

The Board remanded the case to the law judge to determine whether respondent operated the Zephyr in a careless or reckless manner.

A factual record is necessary because the law judge had disposed of the case by granting the respondent's pre-hearing motion to dismiss. The Board's opinion only held the Administrator may *charge* the respondent with a violation of 14 C.F.R. § 91.13(a) because the Zephyr is an "aircraft."

The *Pirker* case was one of first  
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# Malaysia Airlines Flight 370

by Justin Green

On March 8, 2014, Malaysia Airlines Flight 370 (MAS370) (a Boeing 777-200ER jet) departed Malaysia's Kuala Lumpur International Airport for a flight to Beijing Capital International Airport in China. The flight carried 12 crew members and 227 passengers from 15 nations. Thirty eight minutes after takeoff, Malaysian air traffic control directed MAS370 to contact Ho Chi Minh air traffic control and MAS370 answered "MAS370 Good Night Malaysian Three Seven Zero." That was the last anyone heard from the flight. After this communication MAS370 turned off course and disappeared. It remains missing to this day.

Nine months after the disappearance of MAS370, the MAS370 victims' families don't know what happened to their loved ones. The only "answer" that they have received is a communication from the Malaysian government that the airplane has been lost with everyone on board. That finding by the Malaysian government was based on a never before attempted method of using automatic hourly interrogations sent by satellites to the airplane's satellite data unit to narrow the search area to a relatively large portion of the South Pacific. Nevertheless, not a single piece of wreckage has been found and no one knows what caused the airplane to presumably crash into the ocean.

The families of MAS370's crew and passengers are stuck in a holding pattern of despair and uncertainty. They don't have answers, but must go on with their lives and this may

include filing claims against Malaysia Airlines without knowing what caused the loss of their loved ones. Under the Montreal Convention, the law governing international aviation flights, the MAS370 families must file claims within two years of March 8, 2014, when the flight was due to arrive in Beijing. This article examines the Montreal Convention and how its provisions affect the rights of MAS370 families in this unprecedented aviation mystery.

## The Montreal Convention

The rights of the families are governed by the Montreal Convention of 1999. The Montreal Convention (formally, the Convention for the Unification of Certain Rules for International Carriage by Air) is a multilateral treaty adopted by a diplomatic meeting of the International Civil Aviation Organization member states in 1999.<sup>1</sup> It came in force in 2003.<sup>2</sup> The Montreal Convention is different in some significant respects from its predecessor the Warsaw Convention, including most relevantly for the MAS370 victims: (1) it imposes strict liability on carriers for proven damages in the event of passenger death or injury up to a specified limit and requires the airline to prove that it was not negligent to make the limit effective; and (2) it expands the jurisdictional provision so that a passenger or, in the case of a death the passenger's family, may bring claims in the passenger's permanent residence if certain conditions are met.

1 S. Treaty Doc. No. 106-45; 1999 WL 3329734 (2000).

2 [www.icao.org](http://www.icao.org)



# Malaysia Airlines Flight 370

continued

## The Liability of Malaysia Airlines under the Montreal Convention

The MAS370 families do not have to prove that Malaysia Airlines was negligent or even what caused the airplane to presumably crash because under the Montreal Convention airlines become liable when an “accident” causes damages sustained by the death or bodily injury of passengers on board aircraft engaged in international transportation.<sup>3</sup> The term “accident” is not defined in the Montreal Convention. The United States Supreme Court determined that “accident” as used in the identical provision in the Warsaw Convention means “an unexpected or unusual event or happening that is external to the passenger.”<sup>4</sup> This definition encompasses a plane crash, whether due to malfunction, pilot error or a terrorist attack.<sup>5</sup> While the MAS370 families must show that an “accident” occurred, the fact that the Malaysian government and the airline have announced that MAS370 has been lost with no survivors, it appears that there will be no dispute on this point.

## Potential Limitation of Damages

Under the Montreal Convention, an airline’s liability is strict for provable damages not exceeding 113,100 Special Drawing Rights ( a form of international money, created by the International Monetary Fund, and

defined as a weighted average of various convertible currencies -- 113,100 equals approximately \$165,000 USD) for each passenger and the carrier is not liable for provable damages exceeding that amount “if the carrier proves” that the damage was not “due to the negligence or other wrongful act or omission of the carrier or its servants or agents; or . . . was solely due to the negligence or other wrongful act or omission of a third party”.<sup>6</sup> This Montreal Convention provision was a substantial departure from the Warsaw Convention, where damages had a very low limit unless the plaintiff proved that the carrier committed willful misconduct.<sup>7</sup>

The limitation section in the Montreal Convention grew out of an agreement of the International Air Transport Association (“IATA”) members to waive Warsaw Convention limits for compensatory damages unless the airline was able to prove that it took “all necessary measures” to avoid an accident. The IATA agreement followed the historic initiative of Japanese Airlines to waive the limits under similar circumstances. The Japanese Initiative reflected Japan’s dissatisfaction with low Warsaw Convention limits and the disparities in compensation between claims limited by the Warsaw Convention and claims that were not.<sup>8</sup>

3 Montreal Convention Article 17.

4 *Air France v. Saks*, 470 U.S. 392, 405-406 (1985).

5 *Id.*

6 Montreal Convention Article 21.

7 Convention for the Unification of Certain Rules Relating to International Transportation by Air, 49 stat. 3000, Article 25

8 Julian Herminda, *The New Montreal Convention: The International Passenger’s Perspective*, *Air & Space Law* 26 (2001) p. 150.

# Malaysia Airlines Flight 370

continued

Under the Warsaw Convention and today under the Montreal Convention passengers' claims are governed by their tickets and passengers with international flight itineraries will have their claims governed by international law even if the accident occurs on a purely domestic leg of their journey. (As a result, in many accidents the liability claims of some passengers are governed by domestic law, while the liability claims of other passengers are governed by international law.)<sup>9</sup>

Under the Japanese Initiative and the IATA Agreement the airlines were liable for full provable damages without limit unless the airline was able to prove that it took all necessary measures to avoid the damages, in which case a 100,000 SDR limit on recovery was imposed.

The drafters of the Montreal Convention followed the lead of the Japanese airlines and IATA, but made it somewhat easier, at least in theory, for an airline to limit its liability by only requiring that the airline prove that it was not negligent or that the loss was caused by the negligence of a third party, rather than requiring the airline to prove that it took "all necessary measures" to avoid an accident.<sup>10</sup> The drafters believed that a negligence standard was well-known and easier for courts to consider, while the "all necessary measures" defense was not.<sup>11</sup>

<sup>9</sup> Montreal Convention Article 33

<sup>10</sup> *Ehrlich v. American Airlines*, 360 F.3d 366, 368 (2d Cir. 2004)

<sup>11</sup> *Id.*

To date no airline has successfully limited its liability under the Montreal Convention by proving that it was not negligent or otherwise free from fault in a major aviation accident. Because the burden is on Malaysia Airlines, the absence of information regarding what happened to the flight should mean that Malaysian Airlines will not be able to meet its burden and the families will be entitled to their provable damages without a limit.

## Jurisdiction and Damages

The Montreal Convention does not include any damages law and one of the major issues that must be determined by any court vested with jurisdiction over any lawsuits arising from MAS370's disappearance will be what damages law will govern the claims. If the MAS370 crashed on the high seas, as is believed, any claim subject to U.S. law would be governed by the federal Death on the High Seas Act, not State law.

Under the Montreal Convention, every MAS370 family has the right to sue Malaysia Airlines in Malaysia, where the airline is based and incorporated, but the families may have other options depending on where the passenger purchased his or her ticket, the final destination of his or her flight and where the passenger maintained his or her permanent residence.

## Montreal Convention Time Limit

The Montreal Convention has a strict time limit of two years within which to

# Malaysia Airlines Flight 370

continued

bring a claim. Article 35 of the Montreal Convention is entitled “Limitation of Actions” and provides that “[t]he right to damages shall be extinguished if an action is not brought within a period of two years, reckoned from the date of arrival at the destination, or from the date on which the aircraft ought to have arrived, or from the date on which the carriage stopped.” Courts have strictly applied this two year limit and rejected plaintiffs’ arguments to have it tolled based on the minority of the victim<sup>12</sup>, the bankruptcy of the airline<sup>13</sup> or on the basis of a discovery rule.<sup>14</sup>

In the case of MAS370, the families have two years from the morning of March 8 (local time) when the flight was due to arrive in Beijing. This time limit puts the families in a position to potentially have to file their claims before knowing what actually happened to their loved ones. Worse, since the Montreal Convention liability is predicated on a passenger having been physically harmed, the MAS370 families would need to accept and allege that their loved ones have been so harmed. In practical terms, unless something changes, this would require that the families apply for death certificates and open estates for the passengers.

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12 *Fishman v. Delta Airlines*, 132 F.3d 138 (2d Cir. 1998)

13 *Ireland v. AMR Corporation*, 20 F.Supp.3d 341 (EDNY 2014)

14 *Duay v. Continental Airlines, Inc.*, 2010 WL 5342824 at \*\*5-6 (Dec. 21, 2010 S.D. Tex).

Obviously no one, including the drafters of the Montreal Convention, anticipated a large airliner would completely disappear. Consequently, applying the strict two year limit in this case seems cruel to families who may object to accepting that their loved ones are lost. However, unless the Montreal Convention is amended or the limit is addressed in some other fashion the MAS370 families will be forced into the difficult decision to either file claims or lose their rights.

## Conclusion

The Montreal Convention’s provisions are good for the MAS370 families since they will be able to recover from Malaysia Airlines even if what happened to the airplane is never known. The Convention also may help certain MAS370 families by permitting them to file where the passenger lived even if that place had no other connection to the flight. Under the circumstances, the airline should compensate the families without the protracted litigation that so often follows an aviation disaster. The airline might consider whether to offer the compensation without requiring the families to go through the traumatic steps of obtaining a death certificate before the wreckage is found -- certainly the airline would be able to protect itself in a release signed by all the passengers’ family members without an estate being opened. The unique circumstances of MAS370 call for a unique approach and the family members should not be forced to “declare” that their loved ones have died until more is known.

# Emerging Leaders

by:  
Paul Grocki

## EXAMINING CONSEQUENCES AND ISSUES STEMMING FROM THE FAA'S IMPLEMENTATION OF AIRCRAFT RE-REGISTRATION AND EXPIRATION REGULATIONS THAT ARE JUST NOW BEGINNING TO DEVELOP THROUGH LITIGATION

### I. INTRODUCTION

It is well known that the Federal Aviation Act of 1958 ("Act") was repealed, amended, and re-codified in 1994 by the Federal Aviation Administration Authorization Act ("Recodification"). Since the Recodification, there has been a litany of litigation over whether the meaning and substance of certain provisions of the Act remain unchanged. Although the Recodification changed the language of various provisions of the Act, the application and substance of the Act remained largely unchanged.<sup>1</sup>

For a long time, aircraft registration law remained static. Within the past five years, however, there have been some significant changes concerning aircraft registration. Specifically, one such example is the Federal Aviation Administration's ("FAA") implementation of requirements and

regulations regarding aircraft re-registration and expiration.

Given that the regulations regarding aircraft re-registration and expiration have only been in place since 2010 and were phased in over a period of years, some of the consequences stemming from, and issues related to, the regulations are just now beginning to manifest themselves in litigation. As such, it is relevant and important to examine issues such as whether the Recodification negated or impacted the substance/applicability of the statutory requirements governing aircraft registration under the Act. Additionally, it is also important to highlight various other issues and consequences that have begun to manifest as a result of these regulations, including issues with re-registration, consequences of lapsed registration, preemption, and certain unique ownership and priority issues.

### II. THE NEW FAA REGULATIONS REGARDING AIRCRAFT RE-REGISTRATION AND EXPIRATION

Prior to 2010, aircraft owners were not required to annually renew aircraft registration. This changed, however, when the FAA implemented 14 C.F.R.



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<sup>1</sup> As the United States District Court for the Eastern District of New York stated: "The revisions [to the Federal Aviation Act] were minor while the substance of the section was retained. The legislative history reveals that Congress intended to restate in comprehensive form, without substantive change, certain general and permanent laws related to transportation and . . . to make other technical improvements in the Code." *Galbut v. American Airlines, Inc.*, 27 F. Supp. 2d 146, 150 n.3 (E.D.N.Y. 1997).



# Emerging Leaders

continued

§ 47.40 concerning aircraft expiration and re-registration, which became effective October 1, 2010. Section 47.40 provides for the termination over a three-year period of the registration of all aircraft that were registered before October 1, 2010; it also requires the re-registration of each aircraft to retain U.S. civil aircraft status. Section 47.40 also establishes a system for a three-year recurrent expiration and renewal of registration for all aircraft issued registration certificates on or after October 1, 2010.

### III. THE SUBSTANCE AND APPLICABILITY OF THE PROVISIONS OF THE ACT THAT GOVERNED AIRCRAFT REGISTRATION REMAINED THE SAME FOLLOWING THE RECODIFICATION OF THE ACT

Following promulgation of the aircraft re-registration and expiration regulations, it is important to examine whether the substance of the provisions of the Act that governed aircraft registration (and the courts' interpretation thereof) has been negated or has changed following the Recodification of 1994. The seminal case regarding aircraft registration is *Philko Aviation, Inc. v. Shacket*, 462 U.S. 406, 103 S. Ct. 2476, 2477-81, 76 L. Ed. 2d 678 (1983), which was decided prior to the Recodification.

In *Shacket*, the Seller sold an aircraft to the Respondents, but the Respondents did not receive the bill of sale evidencing title to the aircraft. *Id.* at 407. Although the Respondents

took possession of the aircraft, they did not attempt to record title to the aircraft with the FAA. *Id.* at 407-08. The Seller thereafter purported to sell the same aircraft to the Petitioner. *Id.* at 408. The Petitioner could not take possession of the aircraft, but it did record the aircraft title documents, including a bill of sale and application for registration, with the FAA. *Id.* The Respondents subsequently filed a declaratory judgment action to determine ownership of the aircraft. *Id.*

The Petitioner argued that it had title to the aircraft because the Respondents did not record their interest in the aircraft with the FAA. *Id.* The Petitioner relied upon § 503 (c) of the Act, 49 U.S.C. § 1403 (c), which provided that “no conveyance or instrument affecting the title to any civil aircraft shall be valid against third parties not having actual notice of the sale, until such conveyance or other instrument is filed for recordation with the FAA.” *Id.* The trial court nevertheless rendered summary judgment in favor of the Respondents, concluding that § 503 (c) did not preempt state law regarding title transfers and that the Respondents had title pursuant to state law. *Id.* The appellate court affirmed, and the Supreme Court reversed. *Id.*

The United States Supreme Court determined that § 503 (c) required that “every aircraft transfer must be evidenced by an instrument, and every such instrument must be recorded, before the rights of innocent third parties can be affected. Furthermore, because of these federal requirements,

state laws permitting undocumented or unrecorded transfers are preempted, for there is a direct conflict between § 503 (c) and such state laws, and the federal law must prevail.” *Id.* at 409-10. The Supreme Court then held that “state laws allowing undocumented or unrecorded transfers of interests in aircraft to affect innocent third parties are preempted by the federal Act.” *Id.* at 412. Accordingly, the Supreme Court reversed the appellate court’s decision. *Id.* at 414.

Although *Shacket* addressed statutory provisions regarding aircraft registration under the Act, *Shacket* still remains good law following the Recodification. The Court in *Shacket* addressed §§ 1403 (a) (1) and 1403 (c) of the Act, which are now codified at 49 U.S.C. §§ 44107 (a) (1) and 44108 (a). Courts have held that the Recodification “did not materially alter the content of the registration provisions [of the Act]. . . . Thus, cases interpreting §§ 1403 (a) (1) and 1403 (c) of the prior Act are relevant when interpreting §§ 44107 (a) (1) and 44108 (a) of the current Act.” *In re Ozark Air Lines, Inc.*, 2007 WL 43742, at \*5 (Bankr. N.D. Okla. Jan. 4, 2007). Accordingly, *Shacket* remains good law following the Recodification.

#### **IV. FAST FORWARD TO TODAY: ISSUES NOW DEVELOPING AS A CONSEQUENCE OF THE AIRCRAFT RE-REGISTRATION AND EXPIRATION REGULATIONS**

Given that the regulations and requirements concerning aircraft re-registration and expiration have only been in place since 2010 and were

phased in over a period of years, the issues and consequences stemming therefrom are just now beginning to manifest themselves through litigation. As a result, it is important for aircraft owners and operators to be aware of and on the lookout for such issues.

First, it is worth highlighting the more commonly known potential consequences that can result from allowing an aircraft’s registration to expire under the new regulatory scheme, which include the following: (1) grounding of the aircraft; (2) violation of applicable financing terms; (3) loss of insurance coverage; and (4) loss of preferred N-number.

Another issue that has begun to develop in the course of litigation as a consequence of the aircraft re-registration and expiration regulations involves potentially drastic federal preemption issues regarding claims against an aircraft’s title by third parties where the owner allows the aircraft’s registration to expire. It is well settled that state law governs generally the method by which a party obtains ownership of an aircraft and also determines priority interests in an aircraft. As established in *Shacket*, however, the Act preempts any state laws that allow undocumented or unrecorded transfers of interest in aircraft to affect innocent third parties. Indeed, the Court in *Shacket* stated that “[a]lthough state law determines priorities, all interests must be federally recorded before they can obtain whatever priority to which they are entitled under state law.” *Philko Aviation, Inc. v. Shacket*, supra,

462 U.S. at 413. As such, allowing an aircraft's registration to expire could give rise to disastrous title and/or priority issues notwithstanding certain favorable state laws.

Finally, it is important to highlight that I occasionally come across in litigation an increasing number of complications in aircraft registration law resulting in the type of confusion on the part of owners and operators beyond the always-present ignorance of the law. For instance, take the common example of an individual who forms a corporate entity to purchase and own an aircraft in which he or she is the sole shareholder/officer/member. Now assume that the corporate entity dissolves and the individual does not transfer title or ownership of the aircraft from the corporate entity to himself or herself. Then further assume that following the dissolution, the aircraft's registration expires.

This scenario presents unique issues and questions of law regarding aircraft ownership and priority that are just now being litigated. Depending on the law of the state at issue, and depending on the steps taken by the corporate entity prior to dissolution, the law does not appear to be clear regarding ownership of and/or priority concerning the aircraft. This can lead to certain unique circumstances for which there are no clear answers. For example, assume that under the scenario described directly above, an individual brings his or her aircraft to a maintenance shop for maintenance work, and the maintenance shop causes substantial damage to the aircraft. If the individual thereafter commences suit to recover, there is a question as to whether

the individual has standing to bring the action. These types of issues largely are uncharted territory following the implementation of the aircraft re-registration and expiration regulations.

## **V. CONCLUSION**

The FAA's implementation of regulations concerning aircraft re-registration and expiration is an important and very relevant development because the issues resulting from those regulations are just now beginning to manifest themselves through litigation. Such issues include problems with re-registration, consequences of lapsed registration, preemption, and certain unique ownership and priority issues. Moreover, given that these issues are just now beginning to develop through litigation, it is also important to be aware of the fact that the Supreme Court's decision in *Shackett* is still good law.

It is especially important to be aware of these issues, given that the legal landscape concerning the issues stemming from the aircraft re-registration and expiration regulations is largely uncharted territory and is just now beginning to develop. Accordingly, to avoid such thorny issues, owners and operators should take every precaution to ensure that aircraft registration is timely renewed such that it does not expire under the new regulatory scheme.

# A Tribute to Bill Elder

By Tony Jobe &  
Gary Halbert

The International Air & Transportation Safety Bar Association pays tribute to its friend, long-time active member, and outstanding Program Chairman Bill Elder of the Hogan Lovells law firm in Washington, D.C. Bill passed away on November 12, 2014 after a valiant struggle against cancer.

Bill was an active pilot since his days in the Navy. He graduated with honors from the U. S. Naval Academy in 1980 and earned his Navy Wings through Naval Air Training Command several years later. He served on active duty in the Navy and then in the Naval Reserve before retiring from the military. He held both an FAA Airline Transport Pilot certificate and an FAA Flight Instructor certificate. Bill also served as a commercial pilot with Pan Am World Airlines from July 1989 until October of 1991 flying the B-727.

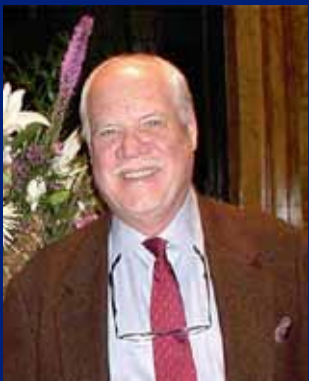
Bill began his legal career as a law clerk with the law firm Yodice Associates from May 1995 until January 1997 while attending the Georgetown Law Center. Bill graduated from Georgetown Law cum laude in 1997, having also served as an Associate Editor of the Georgetown Criminal Law Review. He then joined the law firm of Hogan & Hartson in 1997. He was a member of the Maryland and District of Columbia Bar Associations. As an attorney at the Hogan firm he worked with distinction in the firm's highly regarded Aviation Group, specializing in federal administrative matters, with an emphasis on aviation and general transportation issues.

Bill's practice included advising clients on FAA certification, maintenance and continuing airworthiness,

operations, security, hazardous materials transportation regulatory issues, and representation of clients in FAA civil penalty and certificate enforcement actions related to these issues. He represented a broad range of clients including foreign and domestic air carriers, pilots, repair stations, aerospace manufacturers, airports, airport tenants, and various governmental organizations. Bill also worked in conjunction with Hogan's White Collar Defense Group, representing aviation clients in civil and criminal government investigations involving federal aviation safety laws, hazardous materials transportation laws, and other federal laws.

Those who had the privilege to know and work with Bill Elder know he was a truly wonderful person. The superb work Bill did for IATSBA was every bit in keeping with his multifaceted career of service to his country and others. He was a truly selfless person who devoted his time and energy to IATSBA as a way of giving back to the profession he loved. Bill's long and dedicated service to our Bar Association was highlighted by his amazingly hard work as the Program Chairman for two of our Bar's more exciting and informative Annual Conferences in Washington, D.C. in 2010 and then again in 2012. Bill's diligent attention to detail was the primary reason our attendees were treated to great continuing legal education, superbly organized conference materials, fine fellowship opportunities, good food and well-organized transportation around the city.

Tony's memories are still fresh. "I can



**TONY B. JOBE** (JD Tulane Law '74) has practiced aviation, maritime, products liability and commercial law as well as FAA enforcement defense for forty years in the New Orleans area. Currently, he also practices administrative law in the Richmond, VA area. Former President of NTSB (IATSBA) Bar Assn. Former Marine combat helicopter pilot and FAA licensed SEL, MEL, helicopter and instrument rated civilian pilot, and regional airline CEO. Lead counsel in air mass disaster cases. AV Rated and selected as "Top Lawyer for 2009".



# A Tribute to Bill Elder

continued



**GARY HALBERT** is a partner with the law firm Holland & Knight. He works out of their Washington, D.C. office and is a member of the firm's Aviation and Transportation Law Practice Teams. Gary served in the United States Air Force as a jet instructor pilot for five years before attending law school at the University of Texas. He then served as an Air Force Judge Advocate for almost twenty years before retiring in the grade of Colonel. Gary next joined the National Transportation Safety Board (NTSB) as its General Counsel where he served for five years before joining Holland & Knight.

still see Bill out in front at the Key Bridge Marriott front door loading all of us onto each bus and heading out to the next event." "In large part because of Bill's tireless budgeting efforts and coordination with the event planners, our Gala Dinner at the Smithsonian Air & Space Museum and the Joseph T. Nall Safety Award came off like clockwork."

Gary oversaw the planning for the 2012 D.C. conference, and has repeatedly called Bill his indispensable person for the event. "I can remember Bill was laboring under a heavy workload at Hogan Lovells at the time, so we were often working on IATSBA matters early and late in the day—Bill never flagged." "In addition, the many conference materials pouring in from panelists and speakers would have overwhelmed most, but Bill's organizational methodology saved us numerous times as we verified receipts, organized materials for printing, and ultimately loaded everything into the

computers for the presentations during the conference." "To describe Bill as the organizational force behind the entire conference fails to give him the full credit due."

In spite of all of his hard work and job commitments, Bill always made time to talk about his children and their college careers and the activities of his family. Bill frequently mentioned his next family trip or the next flight he was going to make to visit the kids at college. He was a devoted husband to the love of his life, his wife Laurie. He also spoke fondly of his colleagues at Hogan Lovells. He simply had it all: a wonderful home life, an invigorating work life, and he still found time for public service.

Putting it succinctly, IATSBA has lost a leader from among us. Bill touched all of us, and his passing is a great loss to his family, his law firm, and our bar association family.

# NTSB General Counsel

continued

impression, because the Board had never before considered whether a section of the FAR would apply to UAS. The case also received much attention from the aviation community, especially following the law judge's decision. The Board accepted six briefs of *amicus curiae* in the case, many of which were joint briefs representing a number of stakeholders. (Section 821.9(b) of the

Board's Rules of Practice permits such friend-of-the-court briefs.)

As for what to expect post-remand, the NTSB's Office of Administrative Law Judges manages all cases regarding aviation certificate enforcement actions. In non-emergency cases, the Office will schedule hearings based on a judge's and the parties' availability.

# NTSB Course: Accident Investigation

<b>Title</b>	<b>NTSB Investigations: What Legal Professionals Need to Know</b>
<b>Description</b>	<p><b>Day 1: NTSB Investigations: What Legal Professionals Need to Know</b></p> <p>This session provides legal professionals with foundational knowledge needed to advise clients about the statutory framework that defines NTSB investigations, and the regulations, rules and practices NTSB follows in conducting its investigations. Presentations will also provide key information about what NTSB investigators consider important in critical phases of an investigation, such as investigative hearings and party submissions. Emphasis will be on understanding the legal reasoning through facilitated and interactive discussions of issues that commonly arise during the course of NTSB investigations.</p> <p><b>Day 2 NTSB Investigations: What Legal Professionals Need to Know</b></p> <p>This session will emphasize practical techniques when engaging with NTSB investigators in charge and protecting proprietary information while permitting the NTSB to complete its safety mission. The session will also include a detailed presentation regarding assistance to victims' families as well as practice tips from outside counsel who routinely represent clients before the NTSB.</p>
<b>ID Code</b>	GC101
<b>Dates and Tuition</b>	<p><b>March 5-6, 2015</b> \$794 early registration, by February 2, 2015 \$894 late registration, between February 2 and March 2, 2015</p> <p><b>\$100 processing fee will be added to tuitions for all offline applications.</b> <b>A tuition invoice can be ordered for a \$25 processing fee.</b></p>
<b>Times</b>	Day 1: 8:30am-4:30pm Day 2: 9am-4pm
<b>Location</b>	NTSB Training Center 45065 Riverside Parkway Ashburn, Virginia 20147

- Overview**
- Role of the NTSB Board and staff in conducting investigations
  - Impact of the “Government in Sunshine Act” in NTSB investigations
  - Overview of NTSB’s authority to investigate transportation accidents and incidents and conduct safety studies and special investigations
  - Examination of important regulations governing NTSB investigations
  - Discussion of rules regarding the exchange of investigative information
  - Rules and best practices regarding parallel investigations, investigative hearings and investigative party participation
  - Tips from the Investigator in Charge (IIC)
  - Discussions of Export Controls
  - Overview of NTSB procedures for protecting proprietary information and balancing the company concerns with the agency’s reporting needs
  - Discussion of responsibilities for victims of transportation accidents and family members
  - Tips from outside counsel with experience dealing with the NTSB

**Performance Results**

- Upon completion of the course the participant will be able to:
- Explain important NTSB investigative rules and practices
  - Explain the NTSB investigative process and how a party representative can be prepared to participate during all phases of an NTSB investigation
  - Understand how NTSB works with federal, state, and local agencies to carry out its transportation safety mission
  - Gain awareness of family assistance responsibilities and advise clients how they can become better prepared to fulfill these important duties
  - Brief clients on effective strategies for protecting proprietary information while cooperating with the investigation

**Who May Attend**

Because of the subject matter, registration for this class is limited to attorneys and other individuals that occupy a professional legal position only.

**Airports**

Washington Dulles International (IAD): 10 miles  
Washington Ronald Reagan National (DCA): 30 miles  
Baltimore/Washington International (BWI): 60 miles

**More Information**

Email [studentservices@ntsb.gov](mailto:studentservices@ntsb.gov) or call (571) 223-3900

**NTSB Investigations:  
What Legal Professionals Need to Know  
March 5 and 6, 2015  
NTSB Training Center  
45065 Riverside Parkway  
Ashburn, VA 20147**

**DAY ONE**

- 8:30AM–8:45AM **Welcoming Remarks and Introductions**  
David K. Tochen, NTSB General Counsel
- 8:45AM–9:15AM **Mission and Organization Structure of NTSB  
“Let the Sunshine In”**  
Presenter: David K. Tochen, NTSB General Counsel  
This presentation focuses on the role of the NTSB Board and staff in improving transportation safety and examines the impact of the Government in Sunshine Act on the roles and functions of the NTSB Board.
- 9:15AM–10:15AM **NTSB Jurisdiction and Rules of Investigations  
“From A to Z: Rules of the Road When An Accident Happens”**  
Presenter: Ann G. Gawalt, NTSB Deputy General Counsel  
This discussion provides an overview of NTSB’s authority to investigate transportation accidents and incidents and conduct safety studies and special investigations. It also highlights important regulations to consider when advising clients who are parties to NTSB investigations.
- 10:15AM–10:30AM **Break**
- 10:30AM–12:00PM **Investigative Information  
“Investigative Information: the Heart of the Investigation”**  
Presenter: James Rodriguez, NTSB Office of General Counsel  
This session begins with an examination of the definition of investigative information and rules regarding the exchange of investigative information, with a focus on wreckage, data and testing. Facilitated small group discussions will follow the presentation. The discussions will explore issues such as duty to disclose information to the NTSB, access to the accident scene, press inquiries and conferences, and testing and results of evidence.  
Facilitators from the NTSB Office of General Counsel: Ann G. Gawalt, Ben Allen, Shannon Bennett, Katie Inman



- 12:00PM–1:00PM **Lunch**  
Keynote Speaker: Christopher A. Hart, Acting NTSB Chairman
- 1:00PM–2:30PM **Civil Litigation, Criminal and Regulatory Investigations, and Company Internal Reviews**  
**“The Ultimate Juggling Act: Balancing Multiple Investigations”**  
Presenters: Ben Allen and Shannon Bennett, NTSB Office of General Counsel  
Facilitators: Ann Gawalt and James Rodriguez, NTSB Office of General Counsel  
This session includes a presentation of the rules and best practices regarding parallel investigations while and NTSB investigation is underway as well as facilitated small group discussions that will examine topics such as coordination with the NTSB when conducting internal safety reviews.
- 2:30PM–2:45PM **Break**
- 2:45PM–3:30PM **NTSB Party Roles in an Accident Investigation**  
**“Let’s Party! (NTSB Style)”**  
Presenters: Shannon Bennett, NTSB Office of General Counsel and Paul Stancil, Senior Hazardous Materials Investigator, NTSB Office of Rail, Pipeline and Hazardous Materials Investigations  
This presentation highlights how an attorney can best advise his or her client in participating in the post-accident scene phases of an investigation. The discussion will highlight what the NTSB considers optimum party participation in the factual development, review of factual reports, and preparation of submissions and internal safety reviews.
- 3:30PM–4:30PM **Public Investigative Hearings**  
**“Investigative Hearings, Not Your Ordinary Judicial Proceeding”**  
Presenter: Tim LeBaron, Senior Aviation Investigator, Major Investigations, NTSB Office of Aviation Safety  
A seasoned NTSB hearing officer and investigator-in-charge discusses the parameters and purpose of an NTSB investigative hearing.

## DAY TWO

- 9:00AM–9:15AM **Introduction and Logistics**  
David K. Tochen
- 9:15AM–9:45AM **NTSB Rulemaking Review**  
Presenter: Katie Inman, NTSB Office of General Counsel  
This presentation provides and overview of NTSB rulemakings.
- 9:45AM–10:30AM **The Investigator-In-Charge Perspective**  
Moderator: Ann G. Gawalt, Deputy General Counsel, NTSB  
NTSB regulations give significant decision-making authority to an investigator-in-charge. In this panel discussion, experience NTSB investigators-in-charge discuss how they organize and lead investigations and what they consider in rendering decisions.  
IICs: David Helson (Aviation), Morgan Turrell (Marine), Jim Southworth (Rail), Muhamen El-Zoghbi (Pipeline and Hazardous Materials), Jennifer Morrison (Highway), Eric Grosf (NTSB Law Enforcement Coordinator)
- 10:30AM–10:45AM **Break**
- 10:45AM–11:30AM **International Traffic in Arms Regulations (ITAR)/ Export Administration Regulations (EAR)**  
Presenters: Linda Lewis, NTSB Office of General Counsel; Dana Schulze, Deputy Director, NTSB Office of Aviation Safety  
As accident investigations involve more international manufacturers and operators, ITAR/EAR play a greater role. Learn how these regulations impact NTSB investigations.
- 11:30AM–12:15PM **Proprietary Information and Trade Secrets “You Don’t Have A Need To Know”**  
Presenter: James Rodriguez, NTSB Office of General Counsel  
The NTSB statute permits the agency to disclose trade secrets or proprietary information, following notice and comment, if necessary to protect public health and safety. NTSB regulations require the agency to provide 10 days’ notice if it intends to release proprietary information or trade secrets. But in reality, the process includes iterative, collaborative negotiations between the NTSB Office of General Counsel and the supplier of information. This presentation will describe the negotiation process and what information NTSB considers before releasing such sensitive information.

12:15PM–1:15PM	<b>Lunch</b>
1:00PM–2:15PM	<p><b>Family Assistance</b>  Presenter: Paul Sledzik, Director, NTSB Transportation Disaster Assistance  When tragedy strikes, transportation operators need to develop successful lines of communications with the families of the victims. The NTSB’s Director of Transportation Disaster Assistance describes the NTSB’s family assistance program and the best way for operators to work with the NTSB and other key stakeholders to provide important services for victims’ families.</p>
2:15PM–2:45PM	<p><b>Ethics Issues During an Investigation</b>  Presenter: Tracy Williams, NTSB Office of General Counsel</p>
2:45PM–3:00PM	<b>Break</b>
3:00PM–4:00PM	<p><b>Practice Tips From Outside Counsel, Working with the NTSB</b>  Moderator: David K. Tochen, NTSB General Counsel  Panelists: Mark A. Dombroff, McKenna, Long and Aldridge; Allison Kendrick, Senior Counsel, Boeing; Tom Tobin, Wilson Elser Moskowitz Edelman &amp; Dicker LLP  This panel, moderated by the NTSB General Counsel, provides the perspective of attorneys who have successfully represented their clients through NTSB investigations.</p>
4:00PM	<b>Closing</b>

# Circuit Assignments



## NTSB LAW JUDGE CIRCUIT ASSIGNMENTS

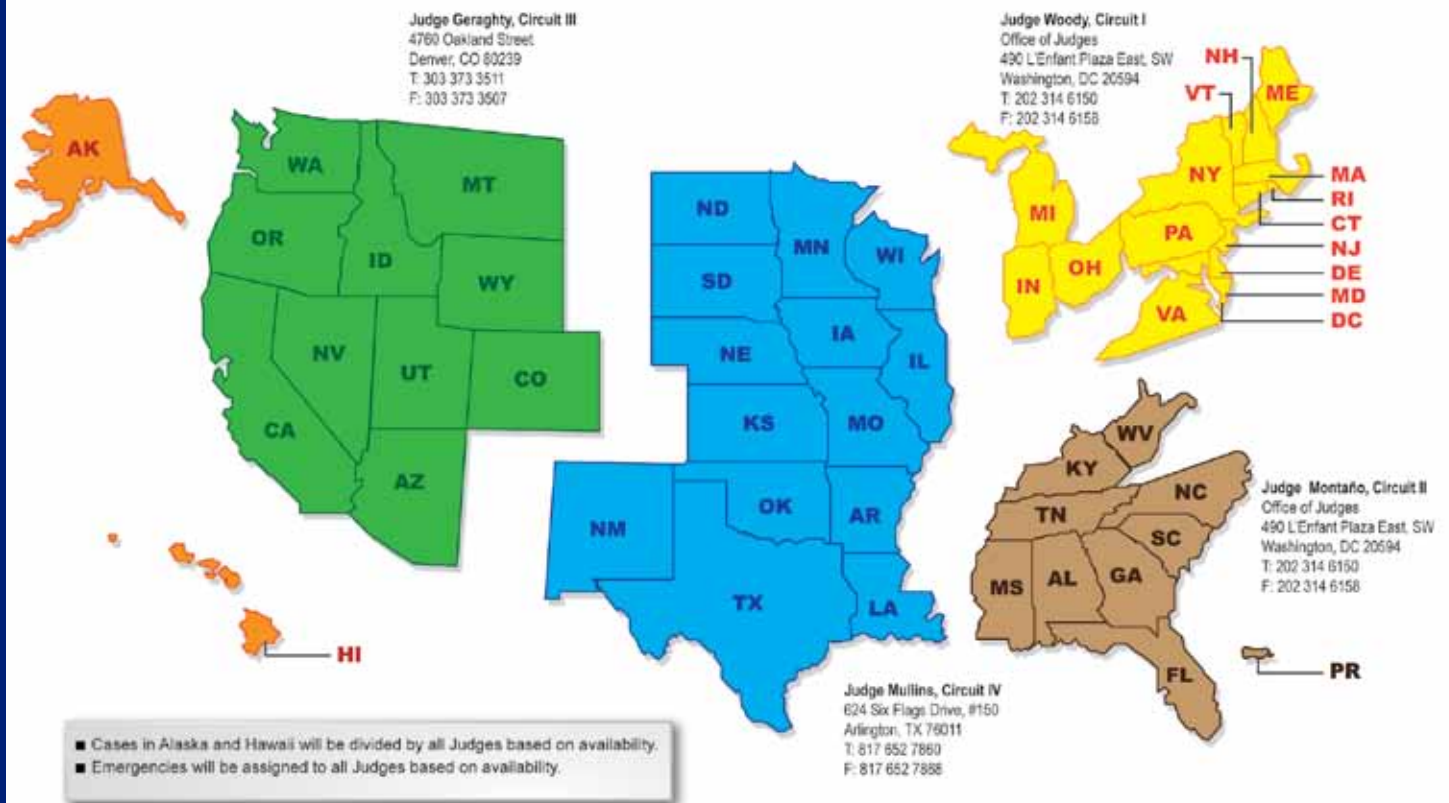


Image courtesy of National Transportation Safety Board, current as of April 1, 2013



# IATSBA Membership

Name: \_\_\_\_\_

Firm/Company/Affiliation: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Work Phone: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Email: \_\_\_\_\_ Website: \_\_\_\_\_

Membership Directory Listing/Area of Practice:

\_\_\_\_\_

\_\_\_\_\_

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## PLEASE CIRCLE MEMBERSHIP TYPE

Checks are to be made payable to "IATSBA" and sent to the mailing address below.  
Online application and payment by credit card at [www.IATSBA.org](http://www.IATSBA.org).

Regular/Full Annual Membership: ----- \$119.00

Federal Government Annual Membership: ----- \$59.00

Recent Law School Graduate Annual Membership:

(Within two years of graduation from law school) ----- \$49.00

Law School Student Annual Membership: ----- NO CHARGE

Associate Annual Membership

(Associate Membership is for those not eligible for a Regular/Full Membership.)

Associate Membership is non-voting. There are two types of Associate Membership.)

Associate with listing: ----- \$129.00

(May list credentials in Membership Directory - use the lines provided above.)

Associate without listing: ----- \$119.00



International Air & Transportation Safety Bar Association

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