



The 23rd Annual National Institute on Aviation Litigation

June 8, 2017
Wyndham Grand Chicago
Chicago, IL

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The 23rd Annual National Intitute on Aviation Litigation

June 8, 2017 | Wyndham Grand Chicago | Chicago, IL

Program Description

Join our distinguished faculty as they discuss current developments, including:

- Discovery in major aviation disasters
- UAS/Drones
- Cybersecurity in aviation cases
- Insurance and In-house counsel—Insights from the decision makers
- Pilot mental health—what can be done?
- Helicopter update—a conversation with OEM GCs

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Partner
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Lebanon, Tennessee

Agenda

Thursday, June 8, 2017

8:00 a.m. **Registration**

8:25 a.m. **Opening Remarks**

Scott Brooksby, Christopher R. Christensen, Timothy S. Tomasik

8:30 a.m. **Helicopters: Insights from Manufacturer GCs**

Moderator: James W. Hunt

Speakers: Lauren Lacey Haertlein, Kevin M. Lenehan, John G. Sams

The FAA has approved new certification regulations for fixed wing aircraft (FAR Part 23), which offer many advantages. Attention is now focused on a similar modification of helicopter regulations (FAR Parts 27 and 29). The panel's discussion will focus on the status and significance of these changes.

9:30 a.m. **Discovery in Major Aviation Disasters**

Moderator: Keith Williams

Speakers: Michael S. Krzak, Douglas A. Latto, Ricardo Martinez-Cid, Michael B. Slade, Patrick Keating

The panel will discuss a potpourri of discovery issues in aviation cases and their practical implications. Topics will include:

- Where in the world should this case be pending? Jurisdictional discovery; Montreal Convention discovery and forum non conveniens discovery in foreign crash cases
- Seeing is believing, hearing is revealing: Discovery of CVR/DFDR – why Plaintiffs want it; why the defense doesn't want it to be disclosed; and what the procedure is to get it and use it
- Whose plane is it anyway? Apparent agency discovery in cases relating to regional air carriers and parent corporations; plaintiff and defense approaches to this issue
- Be careful what you post, they just might get it—Discovery issues relating to Facebook, Twitter, and other social media
- Should Aviation Safety Action Program Reports (“ASAP”), Flight Operations Quality Assurance (“FOQA”) and Line Operations Safety Assessment (“LOSA”) reports be discoverable in civil litigation?

10:30 a.m. **Break**

10:40 a.m. **Insights from the Decision Makers**

Moderator: Scott Brooksby

Speakers: Armando Carlo III, Noreen Brogan, Esq., William Black, Jeremy I. Hager, Mike Henning, Jeremy L. Ross, Anne Marie Rybka, Thomas J. Vargo

Dramatic changes in technology, rising demand from an increasingly diverse flying public, cultural and procedural shifts in aviation accident investigation, and the new federal discovery proportionality rule, to name a few, are all contributing to changes in aviation litigation. However, none of those changes diminished the importance of the process by which outside counsel are chosen and the relationship between outside counsel and in-house counsel and insurers is developed. One of the most important routes to a successful outcome in any aviation case is the ability of outside counsel to develop collaborative relationships with in-house counsel and insurers who are the ultimate decision makers. Our impressive panel of in-house counsel and insurers will share their insights on outside counsel selection and relationship building. Our corporate counsel panelists will share insights on the business implications of litigation and how outside counsel should take those into consideration. Our insurance counsel will also provide insights on their expectations for working with insureds, often in stressful situations, and the insurer's expectations for developing productive dual relationships.

12:10 p.m. Lunch

Agenda

12:30 p.m. **Keynote Speaker: Navigating Complex Case Management, Discovery, and Motions in the Circuit Court of Cook County**
Kathy M. Flanagan, Supervising Judge, Circuit Court of Cook County

1:00 p.m. **Unmanned Aircraft Systems (Better Known as Drones): The Challenges and Opportunities from Various Perspectives— Industry, Regulatory and Legal, and Insurance**
Moderator: Mary Rose Hughes

Speakers: Jennifer Ambrose, Allison R. Kendrick, Daniel Ridlon, Herman (Woody) Loepp

Perhaps no area of the aviation regulatory regime has changed as rapidly as those affecting drones. This panel will take a look at the current regulatory and legal environment and discuss what they see on the horizon.

2:00 p.m. **Flight Crew Mental Health Issues Including Pilot Depression and Suicide: What Can Be Done?**
Moderator: Brian J. Alexander

Speakers: Scott A. Brooksby, Charles S. Curreri, Douglas McQueen

Mental health problems are pervasive in today's world. According to the CDC, suicide is the tenth leading cause of death and claims over 43,000 lives. Pilot mental fitness is a critical aspect of aviation safety. As Jet Blue Founder and former CEO David Neeleman suggested, "Nobody ever thought about having to protect the passengers from the pilots." In the wake of the tragic circumstances surrounding Germanwings 9525 and MH370, the FAA chartered the Pilot Mental Fitness Aviation Rulemaking Committee, which released its report in November 2015. But mental health issues are complex, and no system of detection, voluntary or outside reporting is perfect. This panel will examine the circumstances in Germanwings 9525 and other notable incidents suggesting an uptick in pilot mental fitness-related incidents in the last two decades. The panel will also explore the issues surrounding the current system of pilot mental health from the perspectives of the flying public, the airlines, the regulators, and pilots.

3:00 p.m. **Break**

3:10 p.m. **Cyber Risk: What You Need to Know to Mitigate the Risk of a Network Breach in a Rapidly Evolving Threat Environment**
Moderator: Jonathan E. DeMay

Speakers: Diego Ferrer, Kevin Kalinich, Philip Kibler, Marcin Weryk

Aviation entities increasingly collect and process staggering amounts of data to improve the customer experience and sales, and to increase operational efficiencies and safety. This panel will provide an overview of cyber-related issues impacting airlines, aircraft and engine manufacturers, and their insurers with a focus on identifying cyber risk, employing best practices to mitigate cyber risk, reducing the exposure arising from a cyber-breach, and insuring against such risk in a rapidly evolving threat environment.

Agenda

4:10 p.m.

Parallel Investigations by Civil, Military and Criminal Authorities in the U.S. and Abroad

Moderator: Christopher S. Hickey

Speakers: Michael A. Bordera, James Rodriguez, Robert Torricella

The panel will address the authorities under which U.S. military and civil aircraft accident investigations occur and comparable legal regimes in foreign countries. Panel members will discuss and compare the levels of coordination between military and civil authorities—domestically and internationally—in situations that may lead to parallel military, civil and criminal investigations. Finally, the panel will address practical implications for litigators seeking information, and provide lessons from the F16/Cessna mid-air collision in Moncks Corner, South Carolina, and the mid-air collision between the Gol Airlines 737 aircraft and ExcelAire Legacy jet in the Amazon region of Brazil.

5:10 p.m.

Closing Remarks

5:15 p.m.

Adjourn

Join us for a cocktail reception immediately following the program at the River Room in the Wyndham.

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