

*ABC's of Teaching Aviation Law*

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**Introduction**

Teaching a law course is a great way to gain standing in the legal community, diversify your legal career, and obtain the satisfaction of knowing that you've imparted wisdom to others—all while broadening your own knowledge base.

Most practicing lawyers are probably qualified to teach law courses on one or more subject matters. However, if you are both a lawyer and a pilot, you are among the few lawyers qualified to teach the highly specialized and fun topic of *aviation law*.

Through a brief discussion of the ins and outs of teaching an aviation law course, this paper is intended to encourage lawyer-pilots to canvass their local universities and law schools to see where there might be an interest in offering such a course, and volunteer to teach it. In the process, the reader will also gain an appreciation of what the term “aviation law” encompasses from the standpoint of the authors.

**What is “Aviation Law?”**

In the broadest sense, the term “aviation law” can be defined as the intersection between aviation activities and the law governing them. In this sense, the term includes not only those laws and doctrines that have arisen directly from and are unique to the aviation industry, but also, the various generic bodies of law (for example, the law of contracts and negligence) applied in the aviation context. Although the reality is that a practitioner who focuses on aviation law probably spends as much time in the latter realm as the former, a course on aviation law should concentrate on the specific legal derivatives of aviation, lest it not truly be a course on the law of aviation.

What, then, are the areas of law that are so derived from aviation, or applied so exclusively in the aviation context, that they can fairly be said to deserve inclusion in the syllabus for an aviation law course? There are likely as many answers to this question as there are aviation lawyers. There are, however, certain aviation-specific subject areas

that come up so frequently as to make nearly everyone's list, and those are the areas that are included in this paper. There are undoubtedly more worthy topics for inclusion in an aviation law course than what are included here—commercial aircraft leasing, for one, comes to mind—but a course including the basic elements below will certainly convey to a student the essence of what lawyers in the field of aviation law do. These elements can generally be broken down into two often-intertwined components: *aviation accident litigation*, and *federal regulation of aviation*.

## 1. Aviation Accident Litigation

There are many attorneys who rightly call themselves “aviation lawyers” but who do not involve themselves in accident litigation to any substantial degree—for example, attorneys whose practices focus on airline and air charter regulatory matters. Nevertheless, for the arguable majority, air crash litigation is what aviation law is all about. For this reason, together with the fact that (all biases aside) talking about aviation disasters and their legal aftermath is an easier way to spur students' interest than, say, the tax consequences of putting a King Air on a Part 135 certificate, accident litigation is a logical centerpiece for an aviation law curriculum.

Air accident litigation embraces several concepts, laws and doctrines that are so common as to be essential parts of an aviation law course. Some of these, such as federal preemption, insurance, the Federal Tort Claims Act, and the admissibility of NTSB investigations, might be woven into nearly any piece of aviation accident litigation. Others are most easily taught by categorizing them according to the type of accident in which they most often arise. Those categories are airline accidents, general aviation accidents, and military accidents.

Airline accidents have given rise to, or at least substantially developed, an extensive and relatively unique body of law that includes statutory “common carrier” standards of care; the *res ipsa loquitur* doctrine; the Warsaw Convention and Montreal Treaties and related case law; and, in the wake of TWA Flight 800, family rights statutes. And, since many airline accidents occur in navigable waterways, admiralty law and the Death on the High Seas Act are ripe topics of discussion. Airline accident litigation also frequently involves complex applications of choice of law, *forum non conveniens*, and multidistrict litigation procedures and principles.

In the general aviation sector, the General Aviation Revitalization Act (GARA) often dominates the landscape with respect to suits against light aircraft, and violations of the Federal Aviation Regulations (“FARs”) by a pilot or mechanic can impact the liability equation by operation of *negligence per se*.

Military aircraft accidents can implicate the judge-made “government contractor defense,” and the *Feres* doctrine which bars suits by military personnel and their families against the government.

## 2. Federal Regulation of Aviation

Although not always as fascinating as accident litigation, the federal regulatory scheme governing the aviation industry is sufficiently broad, complex and contested to sustain entire law firm practice groups.

Of course, familiar to all pilots are the safety regulations—the FARs—which are indispensable to an aviation law course for at least two reasons: first, they often play an integral part in accident litigation due to the *negligence per se* doctrine. Second, they serve as the basis for FAA enforcement actions and the body of administrative law surrounding them.

Less familiar to the typical pilot, but very significant in terms of the legal market, are the economic and environmental statutes and regulations governing aviation. These include the Airline Deregulation Act, the Airway & Airports Improvement Act, the Anti-Head Tax Act, the Air Transportation Safety & System Stabilization Act, and the Airport Noise & Capacity Act. Moreover, there is a vast body of law governing the preemptive effect of the federal laws governing aviation over local noise ordinances and other restrictions. Finally, airline labor disputes are governed by the National Railway Labor Act and evolved body of case law.

Unless the school dictates the subject matter, the content and emphasis of an aviation law course is largely up to the professor who has agreed to teach it. Both of the authors agree that the aviation law courses they took while in law school bear little resemblance to the courses they teach themselves. The course syllabi that have been used by the authors in teaching their aviation law courses are attached as examples of how an aviation law course can be constituted.

### Course Materials

Depending on how the professor wants to structure the course, there is a wide range of options in terms of the materials that can be used. There are several textbooks available, ranging from the scholarly to those geared toward pilots. One can use a traditional textbook as the sole teaching aid for the course, or a more practical publication supplemented by custom-compiled cases, statutes, regulations and reference materials. The latter is a particularly good approach if the goal is to define “aviation law,” for purposes of the course, as the professor sees fit rather than according to the content of a textbook. Of course, it would not be inappropriate to do without a published text altogether if the professor wants to compile all of the desired material on his or her own.

### **Extra-Curricular Activities**

Where the institution and circumstances allow, an aviation law course lends itself to a great variety of non-traditional learning opportunities. One day can feature a guest lecturer on FAA enforcement actions; another an NTSB investigator. Additionally, the authors of this paper, who teach aviation law in the Los Angeles area, have taken students on field trips to the LAX control tower, the Robinson Helicopter plant, and the LAPD Airborne Unit.

### **Conclusion**

Teaching an aviation law course can be fun, broadening, and perhaps most importantly, a good education for the teacher. The lawyer-pilot is perfectly equipped to teach aviation law, whether from a formal textbook or a custom-made syllabus. If you live anywhere near a university or law school that might be interested in offering a course in aviation law, by all means give it a shot!

## **EXHIBIT 1**

### **EMBRY-RIDDLE AERONAUTICAL UNIVERSITY LONG BEACH TEACHING CENTER SYLLABUS FOR:**

**ASCI 405 Aviation Law/MGMT 390 Business Law**

**INSTRUCTOR: Stuart R. Fraenkel, Esq.**

#### **I. COURSE DESCRIPTION**

The purpose of the course is to provide students with a basic understanding of law, the legal system, tort and criminal law, aviation insurance, international aviation law, and how the principles of law may be applied to the many aspects of the business community, with a focus on the aviation industry.

The course will examine the development of the law and will explore statutory, administrative and case law pertaining to aviation and other businesses. The course will also cover an overview of the principles of insurance and risk as they apply to aviation. Additionally, the national and international impact of aviation laws, policies and operations will be studied.

#### **II. TEXTS and PRIMARY REFERENCES**

Gesell, Laurence E., Aviation and the Law, 4th Ed., Coast Aire Publications, 2005.

#### **SUGGESTED SUPPLEMENTAL MATERIALS:**

- a. Reference publications/supplemental reading:
  1. Selected Books from CCE Academic Support RAC Collection.
  2. Eichenberger, Jerry A., General Aviation Law, 2nd Edition, New York:McGraw-Hill, 1997.
  3. Hamilton, J. Scott, Practical Aviation Law (4th Ed.), Iowa State University Press/Ames, 2005.
  4. Audio-visual materials: TBA.
  5. Current news and industry events, as appropriate.
  6. Various Internet sites:  
[www.avweb.com](http://www.avweb.com)  
[www.law.cornell.edu/topics/aviation.html](http://www.law.cornell.edu/topics/aviation.html)  
[www.findlaw.com](http://www.findlaw.com)  
[www.landings.com](http://www.landings.com)  
[www.nts.gov](http://www.nts.gov)  
[www.faa.gov](http://www.faa.gov)  
[www.dot.gov](http://www.dot.gov)  
[www.ec.erau.edu/cce/faculty/academic.htm](http://www.ec.erau.edu/cce/faculty/academic.htm)  
[www.ameila.db.erau.edu](http://www.ameila.db.erau.edu)
  7. Miscellaneous handouts and cases, as appropriate.

### **III. LOCATION and TIME**

Location: LAX Teaching Site (Second Floor Classroom).  
Time: Mondays, 5:00 p.m. to 10:00 p.m.  
First class: October 17  
Last class: December 12

### **IV. INSTRUCTOR**

Stuart R. Fraenkel, Esq.  
Kreindler & Kreindler LLP,  
707 Wilshire Blvd, Ste. 4100  
Los Angeles, CA 90017  
(213) 622-6469 (wk)  
(213) 622-6019 (fax)  
(310) 612-9049 (cell)  
E-mail: [sfraenkel@kreindler.com](mailto:sfraenkel@kreindler.com)

Students may e-mail or call either the above numbers between 9:00 a.m. and 9:00 p.m. with questions or comments concerning assignments, scheduling, attendance, or any other matter.

### **V. COURSE GOALS**

The course is designed to provide a foundation of knowledge of the laws, legal principles and insurance coverage principles applicable to the field of aviation and other businesses.

The course includes subject matters which have a significant impact upon the management decision making process of any aviation related business. Consequently, the primary objective is to develop a thorough understanding of the legal framework which is of particular importance to the aviation management aspirant.

The course begins with an introduction to the philosophy of law, the origin of law, Constitutional law, United States Common law, and common legal terminology to which the student will refer throughout the course. Additionally, students will study the standard legal writing method of IRAC, namely, "Issue, Rule, Application, and Conclusion," which serves as a model to organize thoughts and logically present legal reasoning. With legal terminology and fundamental legal writing skills now established, students then study various areas of law, and draw upon their newly developed legal reasoning skills.

Products liability law, comprised mainly of negligence, strict liability, and warranty law is examined closely, to include not only an introduction of general legal principles, but also a particular application of those principles to the aviation industry in the form of case studies. In this regard, the *Federal Tort Claims Act* is considered, as is its impact on litigation against the United States stemming from the alleged negligence of government employees, such as air traffic controllers. Negligent entrustment of a fix based-operator's property to a third person is considered in addition to both contract and negligence rights

and duties found in a bailment relationship. Students will briefly study the Federal Aviation Administration, but more in-depthly study the FAA's Enforcement Procedures, to include the administrative process set forth under the *Administrative Procedures Act* employed when the FAA seeks action against an airman's certificate. Case studies are again emphasized to demonstrate how the legal principles can affect certificated airmen.

Airport proprietors are considered with a focus on their authority and accompanying liability exposure. The 4<sup>th</sup> Amendment is re-visited and students learn about airport security, airport metal screening devices, searches and seizures, reasonable suspicion, probable cause, a *Terry v. Ohio* "stop and frisk," warrants, as well as specific aviation crimes found in the United States Code. Ownership of general aviation aircraft is considered and embraces title searches, recordation, FAA registration, bills of sale, sales contracts, security interests, and promissory notes. Fundamental insurance principles are introduced followed by an application of those principles to the aviation industry, touching upon hull and liability policies, limits of liability, medical payments coverage, guest voluntary settlement coverage, and other aviation coverage's generally found in an airport premises policy. The course concludes with a brief look at International Aviation Law, concentrating on the Warsaw Convention, the Chicago Conference, the International Civil Aviation Organization, and the Montreal Agreement.

## VI. COURSE OUTLINE

### TOPICS:

#### A. SECTION ONE - HISTORICAL PERSPECTIVE OF THE ORIGINS OF LAW

1. Philosophy of Law.
2. Origin of Law.
3. Constitutional Law.
4. United States Common Law.
5. Legal Research.

#### B. SECTION TWO - CRIMINAL LAW AS IT RELATES TO AIR TRANSPORTATION

6. Aviation Security.

#### C. SECTION THREE - OVERVIEW OF CIVIL AVIATION LAW

7. Ownership.
8. Airmen.

9. Government Sanctions.
10. Government Negligence.
11. Airlines.
12. Consumerism.
13. Labor Relations.
14. Corporate Deviance.
15. Fixed Base Operators.
16. Airports.
17. Proprietary Services.
18. Redistributive Services
19. Protective Services.

D. SECTION FOUR - MANUFACTURERS' LIABILITY, INSURANCE, ACCIDENT LIABILITY AND ACCIDENT INVESTIGATION

20. Manufacturers.
21. Accident Investigation.
22. Insurance.

E. SECTION FIVE - INTERNATIONAL AVIATION LAW

23. International Law.

## **VII. LEARNING OUTCOMES**

1. Recognize and understand the legal terms contained within the assigned material, and apply the concepts the terms represent to the aviation industry;
2. Grasp the commonly employed method of legal writing and presentation of issues and analysis (IRAC);

3. Have a basic familiarity with not only American Constitutional Law, but also other sources of law, to include common law, precedent, civil law, criminal law, and administrative or regulatory law;
4. Understand products liability law, to include negligence, strict liability, and warranty law, and each law's specific application to the aviation industry;
5. Comprehend the *Federal Tort Claims Act* (FTCA) and its role in shaping aviation litigation against the United States Government;
6. Be aware of Government regulation of the aviation industry for purposes of safety, to include the history, mission and structure of the FAA, its Enforcement Procedures, and the *Administrative Procedures Act*;
7. Appreciate the liability an airport proprietor may face in discharging proprietary functions;
8. Recognize the Fourth Amendment's impact on airport security measures as well as have a familiarity with aviation-specific criminal offenses found in 18 U.S.C. 902, generally;
9. Be familiar with the responsibility inherent in aircraft ownership and the potential consequences of failing to carry out those responsibilities;
10. Develop an awareness of aviation insurance;
11. Have a basic understanding of international law as it applies to aviation; and
12. Have enhanced his or her analytical skills, organizational ability, written communication skills, and computer skills.

## **VIII. INSTRUCTIONAL METHODS**

In-class lectures and activities will substantially follow the text, but with deviations as necessary to accommodate pop-up discussions (e.g., student questions or comments), and possibly guest lecturers.

Students will be encouraged to initiate class discussions and inquiries concerning timely news events that might impact or relate to the subject matters of the course.

The emphasis of the course will be upon imparting practical knowledge that will be useful in the field. Each class session will revolve largely around the students' comments

concerning the subject matter. Thus, each student is expected to be prepared each evening to discuss the subject matter being covered, including their answers to the questions found in the book for the subject matter being covered.

## **IX. ASSIGNMENT and REQUIREMENTS**

### **A. Class Participation**

All students will be expected to have read the assigned reading before class commences. Additionally, reading/viewing of topical articles/television reports and bringing them to the attention of the class for discussion is highly encouraged. Active student participation in class is an important element of the course, and will be reflected in the assignment of each student's grade.

### **B. Research Assignment and Class Presentation**

All students will research an instructor assigned legal topic and prepare a 10 minute PowerPoint presentation, which will be presented to the class. The student will be graded on the research, the written PowerPoint presentation, and on the oral presentation.

### **C. Mid-Term and Final Exam**

There will be a mid-term and a final exam covering the material from the text and information from the lectures.

## **X. ATTENDANCE**

Students are expected to attend all scheduled classes. However, it is recognized that evening students can fall victim to work conflicts, child-care emergencies, and other such difficulties, which can make a perfect attendance untenable. Accordingly, when a class or portion thereof must be missed, the student is expected to make arrangements (in advance, whenever possible) with the instructor so that an appropriate make-up assignment (non-graded) can be formulated. The exact kind of make-up assignment to be performed is flexible. However, it is expected to fairly reflect the amount of work and learning that would have come out of the five hours of instruction that was missed.

Make-up assignments are due by the last day of class.

Missing only one class will not have a significant impact, if any, on a student's class participation points, provided a make-up assignment is submitted. Missing two or more may begin to have an effect, however.

## **XI. EVALUATION SYSTEM**

Final grades will be computed based on the percentage allocation set forth below:

Mid-Term	30%
Presentation	30%
Final exam	30%
Class Participation	10%

The final examination may be “comprehensive,” encompassing all subject matter covered during the course.

Grading:	90 - 100%	=	A
	80 - 89 %	=	B
	70 - 79%	=	C
	60 - 69%	=	D
	0 - 59%	=	F

**ROUGH COURSE SCHEDULE**

**ASCI 405 Aviation Law/MGMT 390 Business Law**

**October 17, 2005 – December 12, 2005**

**(Subject to Change)**

<b>Class</b>	<b>Material covered</b>	<b>Assignment(s) due</b>
17 Oct.	<ul style="list-style-type: none"> <li>• <u>Chapter 1</u>: <i>Philosophy of Law</i></li> <li>• <u>Chapter 2</u>: <i>Origin of Law</i></li> <li>• <u>Chapter 3</u>: <i>Constitutional Law</i></li> </ul>	• Reading: Ch. 1-3
24 Oct.	<ul style="list-style-type: none"> <li>• <u>Chapter 4</u>: <i>United States Common Law</i></li> <li>• <u>Chapter 5</u>: <i>Legal Research &amp; Class Presentation</i></li> <li>• <u>Chapter 6</u>: <i>Aviation Security</i></li> </ul>	<ul style="list-style-type: none"> <li>• Reading Ch. 4-6</li> <li>• <u>Presentation Assignment</u></li> </ul>
31 Oct.	<ul style="list-style-type: none"> <li>• <u>Chapter 7</u>: <i>Ownership</i></li> <li>• <u>Chapter 8</u>: <i>Airmen</i></li> <li>• <u>Chapter 8a</u>: <i>Government Sanctions</i></li> <li>• <u>Chapter 8b</u>: <i>Government Negligence</i></li> </ul>	• Reading: Ch. 7-8b

**ROUGH COURSE SCHEDULE**  
**ASCI 405 Aviation Law/MGMT 390 Business Law**  
**October 17, 2005 – December 12, 2005**  
**(Subject to Change)**

07 Nov.	<ul style="list-style-type: none"> <li>• <u>Chapter 9:</u>                      <i>Airlines</i></li> <li>• <u>Chapter 9a:</u>                      <i>Consumerism</i></li> <li>• <u>Chapter 9b:</u>                      <i>Labor Relations</i></li> <li>• <u>Chapter 9c:</u>                      <i>Corporate Deviance</i></li> <li>• <u>Review Legal Research for Presentations</u></li> <li>• <u>Review:</u>                              <i>Chapters 1-9c</i></li> </ul>	<ul style="list-style-type: none"> <li>• Reading: Ch. 9-9c</li> <li>• <u>Legal Research for Presentation Due on Disc</u></li> </ul>
14 Nov.	<ul style="list-style-type: none"> <li>• <u>MID-TERM:</u>                      <i>Chapters 1-9c</i></li> <li>• <u>Chapter 10:</u>                      <i>Fixed Base Operators</i></li> <li>• <u>Chapter 11:</u>                      <i>Airports</i></li> </ul>	<ul style="list-style-type: none"> <li>• Reading: Ch. 10-11</li> </ul>
21 Nov.	<ul style="list-style-type: none"> <li>• <u>Chapter 11a:</u>                      <i>Proprietary Services</i></li> <li>• <u>Chapter 11b:</u>                      <i>Redistributive Services</i></li> <li>• <u>Chapter 11c:</u>                      <i>Protective Services</i></li> </ul>	<ul style="list-style-type: none"> <li>• Reading: Ch. 11a-11c</li> </ul>
28 Nov.	<ul style="list-style-type: none"> <li>• <u>Chapter 12:</u>                      <i>Manufacturers</i></li> <li>• <u>Chapter 13:</u>                      <i>Accident Investigation</i></li> <li>• <u>Presentations</u></li> </ul>	<ul style="list-style-type: none"> <li>• Reading: Ch.12-13</li> </ul>
05 Dec.	<ul style="list-style-type: none"> <li>• <u>Chapter 14:</u>                      <i>Insurance</i></li> <li>• <u>Chapter 15:</u>                      <i>International Law</i></li> <li>• <u>Presentations</u></li> <li>• <u>Review:</u>                              <i>Chapters 1-15</i></li> </ul>	<ul style="list-style-type: none"> <li>• Reading: Ch.14-15</li> </ul>
12 Dec.	<ul style="list-style-type: none"> <li>• <b><u>FINAL EXAM</u></b> (Chapters 1-15)</li> </ul>	



## **EXHIBIT 2**

### **SYLLABUS**

## **AVIATION LAW**

**FALL '02**

**Adjunct Professor:** Douglas C. Griffith

Phone: (213) 683-6239 (w)  
(818) 952-1780 (h)

e-mail: [douglasgriffith@paulhastings.com](mailto:douglasgriffith@paulhastings.com) (w)  
[grif775@aol.com](mailto:grif775@aol.com) (h)

**Class Meetings:** Thursdays 6:00 - 8:00 p.m.

- No class 9/12/02 (OCI)
- Last class Thursday, 11/21/02
- Review session (voluntary): TBD
- Final exam Monday, 12/09/02

**Grading:** One final exam

- Essay
- Closed book, closed notes
- 2 hours
- Comprehensive

Up to 3 class participation points are available, the awarding of which will take attendance into account.

CLASS	TOPIC	READING
<b>1</b> <b>INTRO</b>  <b>8/15/02</b>	→ Course Introduction  → Bodies of Law	◆ Statutory Materials (lightly skim)
<b>I. AIR CRASH LITIGATION</b>		
<b>2</b> <b>AIR</b> <b>CRASH</b> <b>LIT</b>  <b>8/22/02</b>	→ <i>The Usual Suspects</i> : Parties in Air Crash Litigation  → <b>Airline Accidents</b> <ul style="list-style-type: none"> <li>• common carrier standard</li> <li>• res ips</li> </ul>	N/A  ◆ Text, Chs. 4, 8 ◆ Statutory Materials: Civ. Code §§ 2100, 2101, 2103 ◆ Cases: <u>Widmyer</u> (common carrier standard, res ips, expert testimony [generally], Act of God defense) <u>Irwin</u> (res ipsa)
<b>3</b> <b>AIR</b> <b>RASH</b> <b>LIT</b>  <b>8/29/02</b>	Airline Accidents (cont.) <ul style="list-style-type: none"> <li>• International Flights/Warsaw</li> </ul>	◆ Statutory Materials: Warsaw Convention 49 USC § 40105 14 CFR Part 203 ◆ Cases: <u>Stratis</u> (Article II notice) <u>El Al Israel</u> (Warsaw exclusivity)
<b>4</b> <b>AIR</b> <b>CRASH</b> <b>LIT</b>  <b>9/5/02</b>	Airline Accidents (cont.) <ul style="list-style-type: none"> <li>• International Flights/Warsaw (cont.)</li> </ul>	◆ Cases: <u>McDowell</u> (“accident” requirement) <u>Cortes</u> (willful misconduct) <u>Husain</u> (“accident,” willful misconduct) ◆ Reference Materials: pp. 17-23 ◆ Statutory Materials: 28 USC § 1605
<b>9/12/02</b>	NO CLASS (OCI)	

<p><b>5</b> AIR CRASH LIT  9/19/02</p>	<p>Airline Accidents (cont.)</p> <ul style="list-style-type: none"> <li>• Death on the High Seas Act</li> <li>• Family rights</li> </ul>	<ul style="list-style-type: none"> <li>◆ Cases: <u>Dooley</u> (damages under DOHSA generally) <u>Brown</u> (damages under “new” DOHSA)</li> <li>◆ Statutory Materials: 46 USC App. §§ 761-762</li> <li>◆ Statutory Materials: 49 USC §§ 1136, 41113</li> <li>◆ Reference Materials: pp. 97-end</li> </ul>
	<p>Airline Accidents (cont.)</p> <ul style="list-style-type: none"> <li>• ‘Slip &amp; fall’ litigation: Accidents/incidents <u>on board</u> airliners</li> </ul>	<ul style="list-style-type: none"> <li>◆ Statutory Materials: 49 USC § 41713</li> <li>◆ Cases: <u>Charas</u>   (preemption under ADA) <u>Duncan</u> (x2)  </li> </ul>
<p><b>6</b> AIR CRASH LIT  9/26/02</p>	<p>→ <b>“General Aviation” Accidents</b></p> <ul style="list-style-type: none"> <li>• Manufacturer liability</li> <li>• Repairer liability – Non-delegable duty doctrine</li> </ul>	<ul style="list-style-type: none"> <li>◆ Statutory Materials: 49 USC § 40101 Note, Secs. 1-3 (GARA)</li> <li>◆ Cases: <u>Altseimer</u> (GARA generally) <u>Campbell</u> (replacement parts under GARA) <u>Caldwell</u> (flight manuals under GARA)</li> <li>◆ Statutory Materials: 14 CFR Parts 39, 43, 135</li> <li>◆ Reference Materials: pp. 29-35</li> </ul>

<p><b>9</b> <b>AIR</b> <b>CRASH</b> <b>LIT</b>  10/17/02</p>	<p>Recurring Aspects of/Concepts in Air Crash Cases (cont.)</p> <ul style="list-style-type: none"> <li>• Effect of federal statutory scheme on air crash (/accident) litigation</li>   <li>• Insurance</li>   <li>• Publisher’s liability</li>   <li>• NTSB investigations</li> </ul>	<ul style="list-style-type: none"> <li>◆ Cases: <u>Abdullah</u> (preemptive effect of Federal Aviation Act)</li> <li>◆ Statutory Materials: Code of Federal Regulations (skim) Cal. Pub. Util. Code – all sections</li>   <li>◆ Text, Ch. 6 <u>Avemco</u> (coverage disputes) <u>Brown</u> (coverage disputes)</li>   <li>◆ Cases: <u>Fluor Corp.</u> (liability for aeronautical charts)</li> <li>◆ Reference Materials: p. 63</li>   <li>◆ Text, Ch. 10</li> <li>◆ Reference Materials: pp. 64-82</li> </ul>
<p><b>II. FEDERAL REGULATION OF AVIATION SAFETY, AIRLINE ECONOMICS, NOISE AND AIRLINE LABOR</b></p>		
<p><b>10</b> <b>FED</b> <b>REG</b>  10/24/02</p>	<p>➔ <b>Safety Regulation</b></p> <ul style="list-style-type: none"> <li>• Title 14, Code of Federal Regulations (the “FARs”)</li> </ul>	<ul style="list-style-type: none"> <li>◆ Text, Chs. 1-3</li> <li>◆ Cases: <u>Lindsay</u> (FAA enforcement actions) <u>Garvey</u> (FAA enforcement actions)</li> </ul>

<p><b>11</b> FED REG  10/31/02</p>	<p>Safety Regulation (cont.)</p> <p>➔ <b>Airline Economic Regulation</b></p> <ul style="list-style-type: none"> <li>• Airline Deregulation Act</li> <li>• Airway &amp; Airports Improvement Act</li> <li>• Anti-Head Tax Act</li> <li>• Air Trans. Safety &amp; Syst. Stab. Act</li> </ul> <p>➔ <b>Noise Regulation</b></p> <ul style="list-style-type: none"> <li>• Airport Noise &amp; Capacity Act</li> </ul>	<ul style="list-style-type: none"> <li>◆ Statutory Materials: 49 USC §§ 40116, 41713, 47107</li> <li>◆ Reference Materials: pp. 83-96</li> <li>◆ Text, Ch. 13</li> <li>◆ Statutory Materials: 49 USC §§ 44715, 47521 14 CFR Part 161</li> </ul>
<p><b>12</b> FED REG  11/7/02</p>	<p>GUEST LECTURER: <i>Charles Finkel</i> Magaña, Cathcart &amp; McCarthy</p>	<p>N/A</p>
<p><b>13</b> FED REG  11/14/02</p>	<p>Noise Regulation (cont.)</p> <ul style="list-style-type: none"> <li>• Preemption of local noise ordinances</li> </ul>	<ul style="list-style-type: none"> <li>◆ Cases: <u>Burbank</u> (rule of general preemption) <u>National Helicopters</u> ('airport proprietor' exception)</li> </ul>
<p><b>14</b> LABOR 11/21/02</p>	<p>➔ <b>Airline Labor</b></p> <p><b>WRAP-UP/REVIEW</b></p>	<ul style="list-style-type: none"> <li>◆ Text, Chs. 15-16</li> <li>◆ Cases: <u>American Airlines</u> (Railway Labor Act)</li> <li>◆ Statutory Materials: 45 USC § 152</li> </ul>
<p>12/09/02</p>	<p><b>FINAL EXAM</b></p>	