

JOURNAL OF AIR LAW  
AND COMMERCE

PRESENTS THE

Forty-Third  
Annual  
SMU  
Air Law  
Symposium



FEBRUARY  
26-27, 2009

**WEDNESDAY, FEBRUARY 25, 2009**

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

9:00 P.M.

6:00 P.M. Welcome Reception

Sponsored by Thompson & Knight LLP, Kreindler & Kreindler LLP,  
and Podhurst Orseck, P.A.

**THURSDAY, FEBRUARY 26, 2009**

7:45 A.M. Continental Breakfast

Sponsored by Murray, Morin & Herman, P.A., Connor & Winters, and  
Petkoff and Feigelson

**MORNING SESSION**

**Charles A. Tarpley**, Presiding

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8:30 A.M. Welcoming Remarks

8:45 A.M. **Donald R. Andersen**

Stites & Harbison, PLLC, *Recent Developments in Aviation Law*

9:45 A.M. Coffee Break

Sponsored by Smith & Moore PLLC

**Ladd Sanger**, Presiding

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10:05 A.M. **Michael E. Beck**

Murray, Morin & Herman, P.A., *Guideposts for Avoiding Bad Faith  
Lawsuits: A Survey of Factors Which Courts Consider When Evaluating  
Bad Faith Claims*

10:35 A.M. **Jerome L. Skinner**

Nolan Law Group, *Falling Into the Rabbit Hole: Egypt Air 990, One  
Example of Creative International Aviation Litigation*

11:05 A.M. **Scott O. McAllister**

SAI Valuations, LLC, *Aviation Valuation Services Related to Aviation Law  
Emphasizing Aircraft Diminution*

11:35 A.M. **Joseph F. Rakow, Ph.D., P.E.**

Exponent Failure Analysis Associates, *The Emergence of Composite  
Aircraft: An Introduction for Aviation Attorneys*

**Charles A. Tarpley**, Presiding

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12:05 P.M. Luncheon

Sponsored by Slack & Davis, L.L.P.

**Colleen C. Barrett**

President Emeritus, Southwest Airlines, *LUV Relationships*

Presentation of the 13th Annual John J. Tigert VI Memorial Scholarship

**AFTERNOON SESSION**

**Kathlynn G. Fadely**, Presiding

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1:30 P.M. **Steven O. Rosen**

The Rosen Law Firm, *Movies, Tactics, Ethics, and More Movies*

2:30 P.M. **Michael L. Slack**

Slack & Davis, L.L.P., *Representing Owners in Fractional and Jet Card  
Acquisitions: Practical Considerations*

3:00 P.M. Coffee Break

Sponsored by Brown, Dean, Wiseman, Proctor, Hart & Howell, LLP

**Don G. Rushing**, Presiding

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3:20 P.M. **Roger W. Clark**

Clark, Goldberg & Madruga, *Is Lessor More? The Evolving State of  
Aircraft Lessor Liability in the United States*

**3:50 P.M.** Panel: *What Legal and Logistical Issues Arise When Your Case Leaves the U.S. for Foreign Shores?*  
Panelists: **Thad T. Dameris**, Hogan & Hartson LLP  
**Joseph Fiorante**, Camp Fiorante Matthews  
**Elizabeth M. Freidenberg**, Freidenberg, Freidenberg & Lifsic  
**James Healy-Pratt**, Stewarts Law LLP  
**David Willcox**, Beaumont & Son – Aviation at Clyde & Co. LLP

**5:20 P.M.** **Charles A. Tarpley**  
Closing Remarks  
Presentation of the 6th Annual International Aviation Womens Association Scholarship

**5:35 P.M.** Reception  
Sponsored by Anderson, Smyer, Riddle & Kuehler, L.L.P., Stites & Harbison PLLC, and Speiser Krause, P.C.

## **FRIDAY, FEBRUARY 27, 2009**

**7:45 A.M.** Continental Breakfast  
Sponsored by Jackson Walker L.L.P.

### **MORNING SESSION**

**H. Norman Kinzy**, Presiding

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**8:30 A.M.** Panel: *What Does It Take to Settle an Aviation Case with Me?*  
Moderator: **Gerald C. Sterns**, Sterns & Walker  
Panelists: **Russell M. Mirabile**, XL Aerospace  
**Karen D'Amico**, Global Aerospace  
**W. Timothy McSwain**, Allianz Aviation Managers, LLC

**9:30 A.M.** **William D. Janicki**  
Morrison & Foerster LLP, *Government Documents: Evidentiary Use in International Air Crash Litigation in the U.S.*

**10:00 A.M.** Coffee Break  
Sponsored by Rose Walker, L.L.P.

**Dorothea M. Capone**, Presiding

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**10:20 A.M.** **David J. Harrington**  
Holland & Knight LLP, *Top Ten Safety Recommendations When Representing a Party to an NTSB Investigation*

**11:05 A.M.** **Leane Capps Medford**  
Elrod, PLLC, *Should Punitive Damages be Insurable? Arguments for Insurers and Insureds*

**Charles A. Tarpley**, Presiding

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**11:50 A.M.** Luncheon  
Sponsored by Baumeister & Samuels, P.C., Nolan Law Group, and Nixon Peabody LLP  
**The Honorable Catharina Haynes**  
U.S. Court of Appeals for the Fifth Circuit, *Perspectives from the Bench*  
Sponsored by Morrison & Foerster LLP  
Presentation of the 10th Annual Wayne Vines Memorial Scholarship for Aviation Safety

### **AFTERNOON SESSION**

**Kathlynn G. Fadely**, Presiding

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**1:30 P.M.** **Jonathan M. Hoffman**  
Martin, Bischoff, Templeton, Langslet & Hoffman LLP, *Real-Life Ethics for Aviation Lawyers*

**2:30 P.M.** **Charles A. Tarpley**  
Closing Remarks  
Raffle Sponsored by Wolters Kluwer Law & Business and American Airlines

**2:45 P.M.** Closing Reception  
Sponsored by Winstead PC

## 2009 SPEAKERS

**DONALD R. ANDERSEN**

Stites & Harbison, PLLC, Atlanta, Georgia

**COLLEEN C. BARRETT**

Southwest Airlines, Dallas, Texas

**MICHAEL E. BECK**

Murray, Morin & Herman, P.A., Tampa, Florida

**ROGER W. CLARK**

Clark, Goldberg & Madruga, Los Angeles, California

**KAREN D'AMICO**

Global Aerospace, Short Hills, New Jersey

**THAD T. DAMERIS**

Hogan & Hartson LLP, Houston, Texas

**ELIZABETH M. FREIDENBERG**

Freidenberg, Freidenberg & Lifsic, Buenos Aires, Argentina

**JOSEPH FIORANTE**

Camp Fiorante Matthews, Vancouver, BC, Canada

**DAVID J. HARRINGTON**

Holland & Knight LLP, New York, New York

**THE HONORABLE CATHARINA HAYNES**

U.S. Court of Appeals for the Fifth Circuit, Dallas, Texas

**JAMES HEALY-PRATT**

Stewarts Law LLP, London, United Kingdom

**JONATHAN M. HOFFMAN**

Martin, Bischoff, Templeton, Langslet & Hoffman LLP, Portland, Oregon

**WILLIAM D. JANICKI**

Morrison & Foerster LLP, San Diego, California

**SCOTT D. MCALLISTER**

SAI Valuations, LLC, Sandwich, Illinois

**W. TIMOTHY MCSWAIN**

Allianz Aviation Managers, LLC, New York, New York

**LEANE CAPPS MEDFORD**

Elrod, PLLC, Dallas, Texas

**RUSSELL M. MIRABILE**

XL Aerospace, New York, New York

**JOSEPH F. RAKOW, PH.D., P.E.**

Exponent Failure Analysis Associates, Menlo Park, California

**STEVEN D. ROSEN**

The Rosen Law Firm, Portland, Oregon

**JEROME L. SKINNER**

Nolan Law Group, Cincinnati, Ohio

**MICHAEL L. SLACK**

Slack & Davis, L.L.P., Austin, Texas

**GERALD C. STERNS**

Sterns & Walker, Oakland & San Francisco, California

**DAVID WILLCOX**

Beaumont & Son – Aviation at Clyde & Co. LLP, London, United Kingdom



## 2009 EVENT SPONSORS

American Airlines – *Fort Worth, Texas*  
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Smith & Moore PLLC – *Dallas, Texas*  
Speiser Krause, P.C. – *Arlington, Virginia*  
Stites & Harbison PLLC – *Atlanta, Georgia*  
Thompson & Knight LLP – *Dallas, Texas*  
Winstead PC – *Dallas, Texas*



## 2009 SCHOLARSHIP SPONSORS

Bailey & Partners – *Santa Monica, California*  
International Aviation Womens Association – *Edgewater, Maryland*  
John J. Tigert VI Memorial Scholarship  
Joseph Aviation Consulting – *Kyle, Texas*  
Juanita M. Madole Scholarship – *Newport Beach, California*  
Lawyer Pilots Bar Association – *Edgewater, Maryland*  
Litigation Analytics, Inc. – *Ridgefield, Connecticut*  
Shackelford, Melton & McKinley, LLP – *Dallas, Texas*  
Stinson Morrison Hecker LLP – *Wichita, Kansas*  
Wayne Vines Memorial Scholarship for Aviation Safety  
Wolters Kluwer Law & Business – *Riverwoods, Illinois*



## 2009 EXHIBITORS

Air Data Research – *Helotes, Texas*  
Aviation Law Week – *Nashville, Tennessee*  
Climatological Consulting Corporation – *Palm Beach Gardens, Florida*  
Engineering Systems Inc. – *Aurora, Illinois*  
Expert Aviation Consulting – *Indianapolis, Indiana*  
Impact Forensic / Danny Ford Productions – *Royce City, Texas*  
Materials Analysis, Inc. – *Dallas, Texas*  
NTSB Bar Association – *Edgewater, Maryland*  
Professional Performance Improvement – *Dallas, Texas*  
Thomson's Aviation Manuals, Inc. – *El Mirage, California*

# SYMPOSIUM REGISTRATION FORM

Please complete and return this form to:

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

Please register the following person(s) for the 43rd Annual SMU Air Law Symposium, February 26-27, 2009. The following information will be published in the Attendees List at the Symposium. Please fill in all of the information requested below.

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

**REGISTRATION RATES PER PERSON** (Includes sessions, materials, meals, and receptions).

**Check appropriate box:**

- \$345 Early Registration if received by January 31, 2009.
- \$395 Regular Registration.
- \$200 First-Time Attendee Rate (please call Symposium office to register - (214) 768-2570).
- Additional copy of course materials (includes hard copy and computer disk) at \$100 each, shipping and handling included.

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

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

- Book/CD
- CD only

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

## Billing Information

Credit Card Type (**MASTERCARD OR VISA ONLY**)  Mastercard  VISA

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(3-digit number on back of card)

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## HOTEL INTERCONTINENTAL DALLAS ROOM REQUEST INFORMATION

43rd ANNUAL SMU AIR LAW SYMPOSIUM, February 26-27, 2009  
**Hotel InterContinental Dallas**, 15201 Dallas Parkway, Addison, Texas 75001  
Call 1-800-386-1592 to make room reservations

Single (one person) ..... \$143  
Double (two persons) ..... \$143  
Suites ..... from \$250

### THESE RATES ARE GUARANTEED ONLY UNTIL **JANUARY 24, 2009.**

GUARANTEED RESERVATION 72 HOURS PRIOR TO SCHEDULED ARRIVAL. Rates subject to 13% hotel tax. Special rates are also available for the Concierge Floor, as well as triple or quad occupancy. For further information, please inquire with the hotel.

Please note: The special room rates are limited and are not available if you book your reservation through a travel agent. Reservations received after **January 24, 2009** will be booked on a space available basis. Check in time is 3:00 p.m. Check out time is 12:00 p.m. YOU MUST GUARANTEE YOUR ROOM WITH A CREDIT CARD OR BY CHECK OR MONEY ORDER PAYABLE TO THE HOTEL INTERCONTINENTAL IN THE AMOUNT OF THE FIRST NIGHT'S ROOM RENTAL. ROOM CHARGES FOR ONE NIGHT WILL BE BILLED FOR FAILURE TO CANCEL GUARANTEED RESERVATION 72 HOURS PRIOR TO SCHEDULED ARRIVAL.

## GENERAL INFORMATION

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

**LOCATION:** The 43rd Annual SMU Air Law Symposium will be held at the Hotel InterContinental Dallas, 15201 Dallas Parkway, Addison, Texas 75001. For reservations, please call the hotel directly at 1-800-386-1592. Be sure to identify yourself as a registrant for the SMU Air Law Symposium. Reservations should be made prior to **January 24, 2009**. NO TRAVEL AGENTS PLEASE.

**AIRLINE TRANSPORTATION:** **American Airlines** is the official carrier for the 2009 SMU Air Law Symposium. American Airlines offers a discount rate on U.S. and Canadian travel fares for Symposium attendees. To obtain the discount, reservations may be made by calling American Airlines' toll free number: 1-800-433-1790, Group Meeting Number (**A5429AP**). Please identify yourself as a registrant of the SMU Air Law Symposium, and request the best available fare. Use the group number online at [www.aa.com](http://www.aa.com) to avoid the \$10 administration fee.

**Avis Rent-A-Car** has joined with American Airlines to provide for the car rental needs of Symposium attendees. The Avis Worldwide Discount Number assigned to the SMU Air Law Symposium is (**A906399**). To receive discounted car rental rates, you may reach Avis directly at 1-800-331-1600.

**REGISTRATION FEES:** Early Registration is \$345 per person. To secure this discount rate, payment of \$345 must be **received in full by January 31, 2009**. After January 31, 2009, the registration fee is \$395 per person and is payable at or before the Symposium. **As a special incentive to first-time attendees, a special rate of \$200 is offered. To take advantage of this rate, please call (214) 768-2570. You must contact our office to register as a first-time attendee.**

The Government registration fee is \$250 per person, payable at or before the Symposium. The Student registration rate is \$125 per person, payable at or before the Symposium. The Government and Student rates are restricted to full-time employees of state or federal government agencies and full-time students. Requests for these special rates must be made on government or school letterhead. Please contact our office at (214) 768-2570 to register. Online registration is not available.

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

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

**CLE ACCREDITATION:** The 43rd Annual SMU Air Law Symposium provides registrants with continuing legal education credits suitable to meet various states' mandatory continuing legal education requirements. Registrants wishing certification of their attendance to be sent to the appropriate boards **MUST SIGN IN** at the CLE Information Desk at registration for **each session** attended, and provide all information needed for certification. Depending on each state bar, generally 8 to 10 hours of CLE credit are awarded for attending the Symposium. For CLE information, please call Erin Shea at (214) 768-3465.

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

Journal of Air Law and Commerce  
Southern Methodist University  
Dedman School of Law  
P.O. Box 750116  
Dallas, Texas 75275-0116  
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**FORTY-THIRD ANNUAL  
SMU AIR LAW SYMPOSIUM**  
FEBRUARY 26-27, 2009—DALLAS, TEXAS

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