

AMERICAN BAR ASSOCIATION  
TORT TRIAL & INSURANCE PRACTICE SECTION  
AVIATION & SPACE LAW COMMITTEE  
PRESENT

# AVIATION AND SPACE LAW LITIGATION NATIONAL PROGRAM

October 16-17, 2008  
Ritz-Carlton Hotel  
Washington, DC

*UNITING PLAINTIFF,  
DEFENSE, INSURANCE,  
AND CORPORATE  
COUNSEL TO ADVANCE  
THE CIVIL JUSTICE  
SYSTEM.*



**ABA**  
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Greetings:

Please take a moment to mark your calendars and make plans to join your colleagues at the annual TIPS Aviation and Space Law Committee conference being held this year on October 16–17, 2008 in Washington, D.C. We are once again gathering at the beautiful downtown Ritz-Carlton Hotel which is conveniently located near all of our Capitol’s landmarks, museums and attractions.

The Co-Chairs of this year’s Program have put together what we hope will be an interesting and informative day and a half long conference to be led by engaging and knowledgeable leaders in our field. They will provide us with insight into a variety of topics designed to stimulate lively discussion on issues including:

- Punitive Damages in Aviation Cases - The Lessons Learned in the Comair Flight 5191 Litigation
- Modernizing the Nation’s ATC System - Is NextGen the Real “Fix”?
- Is Suing the Aircraft Lessor the Key That Unlocks the Doors to U.S. Courts for Foreign Plaintiffs?

As we near the 20th anniversary of the bombing of Pan Am Flight 103 over Lockerbie, Scotland, we will hear how the determination of the victims’ families to pursue justice brought change to a terrorist regime. As always, our program will include a presentation on Recent Developments, and we will hear from General Counsel of several large airlines and their insurers. We will hear what concerns them today and how the current economic climate is effecting their operations. We will also get to sharpen our practice skills by learning what truly impacts jurors’ decision-making and gain knowledge on how to deal with electronic discovery issues.

Our Program traditionally provides a wonderful opportunity to meet and interact with fellow aviation practitioners from across the globe. We encourage you to take advantage of this opportunity and also have a chance to enjoy the beautiful Fall colors and weather. We look forward to seeing you in Washington.

Program Co-Chairs:

**Thea Capone**  
*Committee Chair*  
Baumeister & Samuels PC

**Dan Rose**  
*Program Co-Chair*  
Kreindler & Kreindler LLP

**Chris Odell**  
*Program Co-Chair*  
Hogan & Hartson LLP

**Sharon Holahan**  
*Program Co-Chair*  
*SVP Deputy Director*  
*of Claims*  
Global Aerospace

**Barry Benson**  
*Program Co-Chair*  
*U.S. Department of Justice*  
Torts Branch Civil Division



**Frederick P. Alimonti, Esq.**  
*Alimonti Law Offices PC*  
White Plains, NY

**Chris Barth, Esq.**  
*Locke Lord Bissell & Liddell LLP*  
Chicago, NY

**Michel F. Baumeister, Esq.**  
*Baumeister & Samuels PC*  
New York, NY

**Barry Benson, Esq.**  
*U.S. Department of Justice*  
*Torts Branch Civil Division*  
Washington, DC

**James B. Blaney, Esq.**  
*Senior Counsel, Americas*  
*British Airways*  
Jackson Heights, NY

**Patrick E. Bradley, Esq.**  
*Reed Smith LLP*  
Princeton, NJ

**William C. Brown, III, Esq.**  
*Locke Lord Bissell & Liddell LLP*  
New York, NY

**Christopher D. Brown, Esq.**  
*Cozen O'Connor LLP*  
Miami, FL

**Tracey Campbell, Esq.**  
*Global Aerospace*  
Short Hills, NJ

**Dorothea M. Capone, Esq.**  
*Baumeister & Samuels PC*  
New York, NY

**Victoria Cox**  
*Senior Vice President, NextGen & Operations Planning*  
*Federal Aviation Administration*  
Washington, DC

**Brian C. Dalrymple, Esq.**  
*Nixon Peabody*  
San Francisco, CA

**Thad T. Dameris, Esq.**  
*Hogan & Hartson LLP*  
Houston, TX

**Jeffrey J. Ellis, Esq.**  
*Quirk & Bakalar PC*  
New York, NY

**Ricks Fraser, Esq.**  
*Assistant General Counsel*  
United Airlines

**Debra Fowler, Esq.**  
*U.S. Department of Justice*  
*Civil Division*  
*Torts Branch Aviation/Admiralty*  
Washington, D.C.

**Mary Gaston, Esq.**  
*Perkins Coie LLP*  
Seattle, WA

**Frank H. Granito III, Esq.**  
*Speiser Krause Nolan & Granito*  
New York, NY

**Justin T. Green, Esq.**  
*Kreindler & Kreindler LLP*  
New York, NY

**Andrew Harakas, Esq.**  
*Clyde & Co.*  
New York, NY

**David Harrington, Esq.**  
*Holland & Knight LLP*  
New York, NY

**Timothy Harrington**  
*General Counsel*  
*Bell Helicopter Textron Inc.*  
Ft. Worth, TX

**Sharon Holahan, Esq.**  
*Global Aerospace*  
Short Hills, NJ

**Michael J. Holland, Esq.**  
*Condon & Forsyth LLP*  
New York, NY

**James P. Kreindler, Esq.**  
*Kreindler & Kreindler LLP*  
New York, NY

**Michael S. Krzak, Esq.**  
*Clifford Law Offices*  
Chicago, IL

**Linda Lane, Esq.**  
*Morrison Foerster LLP*  
San Diego, CA

**Douglas A. Latto, Esq.**  
*Baumeister & Samuels PC*  
New York, NY

**Andrew Maloney, Esq.**  
*Kreindler & Kreindler LLP*  
New York, NY

**Patrick McCulloch**  
*Director, Client Services*  
*IE Discovery*  
Austin, TX

**Thomas J. McLaughlin, Esq.**  
*Perkins Coie LLP*  
Seattle, Washington

**Ricardo Martinez-Cid, Esq.**  
*Podhurst, Orseck PA*  
Miami, FL

**Stuart Miles, Ph.D.**  
*DecisionQuest*  
Louisville, KY

**Russell M. Mirabile, Esq.**  
*XL Insurance*  
New York, NY

**Prof. Thomas D. Morgan**  
*George Washington University*  
*School of Law*  
Washington, D.C.

**Christopher M. Odell, Esq.**  
*Hogan & Hartson LLP*  
Houston, TX

**Jerry Roscoe, Esq.**  
*Mediator and Arbitrator*  
*JAMS*  
Washington, D.C.

**Daniel O. Rose, Esq.**  
*Kreindler & Kreindler LLP*  
New York, NY

**Louise-Helene Senecal, Esq.**  
*Assistant General Counsel (Litigation)*  
*Air Canada*

**Michael L. Slack, Esq.**  
*Slack & Davis*  
Austin, TX

**Sheila Sundvall, Esq.**  
*Sidley Austin LLP*  
Chicago, IL

**David J. Weiner, Esq.**  
*Hogan & Hartson LLP*  
Washington, DC

**Diane Westwood Wilson, Esq.**  
*Clyde & Co.*  
New York, NY

**Floyd A. Wisner, Esq.**  
*Wisner Law Firm*  
St. Charles, IL

**Eric Womack, Esq.**  
*U.S. Department of Justice*  
Washington, DC

# PROGRAM AGENDA

**THURSDAY, OCTOBER 16, 2008**

8:00 a.m. **REGISTRATION AND CONTINENTAL BREAKFAST**

9:00 a.m. **WELCOME REMARKS AND INTRODUCTIONS**

**Thea Capone, Committee Chair**  
*Baumeister & Samuels PC*

**Sharon Holahan, Program Co-Chair**  
*SVP Deputy Director of Claims*  
*Global Aerospace*

**Dan Rose, Program Co-Chair**  
*Kreindler & Kreindler LLP*

**Barry Benson, Program Co-Chair**  
*U.S. Department of Justice*  
*Torts Branch Civil Division*

**Chris Odell, Program Co-Chair**  
*Hogan & Hartson LLP*

**Program Moderator: Sharon Holahan**

9:10 a.m. **RECENT DEVELOPMENTS IN AVIATION LAW**

A review of emerging law and doctrine that are relevant in aviation cases.

**David Weiner**  
*Hogan & Hartson LLP*

9:30 a.m. **PUNITIVE DAMAGES IN AVIATION CASES—THE LESSONS LEARNED IN THE COMAIR FLIGHT 5191 LITIGATION**

A look at the *Exxon Valdez* and *State Farm* decisions from the perspective of two industry leaders focusing on some of the issues raised in the Comair 5191 litigation including multiple trials, punitive multipliers, litigation strategy and Committee responsibilities.

**Mitch Baumeister**  
*Baumeister & Samuels, PC*  
New York, NY

**Russell M. Mirabile**  
*XL Insurance*  
New York, NY

10:15 a.m. **THE PAN AM 103 STORY—A 20 YEAR SAGA**

The legal efforts on behalf of the families of those killed in the bombing of Pan Am Flight 103 spans more than two decades. Jim Kreindler will recount both the litigation and diplomatic efforts made by the core members of the Plaintiffs Committee which have resulted in unprecedented settlements for the families.

**Jim Kreindler**  
*Kreindler & Kreindler, LLP*  
New York, NY

10:45 a.m. **BREAK**

11:00 a.m. **EMERGING ISSUES AND CHALLENGES IN HANDLING AIRLINE CLAIMS AND LITIGATION**

Some of the topics to be discussed by the panel include whether new fees for baggage and other services will lead to increased claims and litigation and the effect of a decrease in the number of flights and greater passenger loads.

**Moderator: Tracey Campbell**

*AVP Global Aerospace*  
Short Hills, NJ

**Diane Westwood Wilson**

*Clyde & Co.*  
New York, NY

**Louise-Helene Senecal, Assistant General Counsel (Litigation)**

*Air Canada*

**Ricks Fraser, Assistant General Counsel**

*United Airlines*

**Jim Blaney, Senior Counsel (Americas)**

*British Airways*

11:45 a.m.

**THE MONTREAL CONVENTION—WHERE ARE WE TODAY?**

The panelists will discuss the impact the Montreal Convention has had on aviation litigation since its inception five years ago.

**Moderator: Andrew Harakas**

*Clyde & Co.*  
New York, NY

**Frank Granito III**

*Speiser Krause Nolan & Granito*  
New York, NY

**Mike Holland**

*Condon & Forsyth LLP*  
New York, NY

12:30 p.m.

**LUNCHEON**

**Program Moderator: Barry Benson**

1:45 p.m.

**MODERNIZING THE NATION'S ATC SYSTEM—IS NEXTGEN THE REAL "FIX"**

The Next Generation Transportation System (NextGen) uses state-of-the-art technologies to meet changing aviation demands. The presentation will include a discussion from the perspective of both the government and plaintiff's bar as to what we may expect to see over the next few years.

**Victoria Cox**

*Federal Aviation Administration, Senior Vice President*  
*NextGen & Operations Planning*  
Washington, D.C.

**Doug Latto**

*Baumeister & Samuels, PC*  
New York, NY

2:30 p.m.

**IS SUING THE AIRCRAFT LESSOR THE KEY THAT UNLOCKS THE DOORS TO U.S. COURTS FOR FOREIGN PLAINTIFFS**

This question and others related to aircraft lessor liability will be discussed by a panel made up of experienced practitioners currently handling these cases.

**Moderator: Bill Brown**

*Locke Lord Bissell & Liddell, LLP*  
New York, NY

**Chris Barth**

*Locke Lord Bissell & Liddell, LLP*  
Chicago, IL

**Floyd Wisner**  
*Wisner Law Firm*  
St. Charles, IL

**Sheila Sundvall**  
*Sidley Austin, LLP*  
Chicago, IL

3:15 p.m. **BREAK**

3:30 p.m. **PREEMPTION—IS THERE ANYTHING LEFT TO ARGUE ABOUT?**  
This panel of experts on the issue of federal preemption in aviation cases will discuss the impact of the recent Supreme Court decisions and Executive Orders.

**Moderator: Tom McLaughlin**  
*Perkins Coie, LLP*  
Seattle, Washington

**Justin Green**  
*Kreindler & Kreindler, LLP*  
New York, NY

**Jeff Ellis**  
*Quirk & Bakalar, PC*  
New York, NY

**Mary Gaston**  
*Perkins Coie, LLP*  
Seattle, Washington

**Eric Womack**  
*U.S. Department of Justice*  
Washington, D.C.

4:15 p.m. **ELECTRONIC DATA DISCOVERY—WHAT CAN I EXPECT TO HAPPEN IN MY CASE?**  
Get an education from a specialist in document management services and learn of potential pitfalls from the perspective of both plaintiff and defense counsel

**Patrick McColloch**  
*Director Client Services*  
*IE Discovery*

**Brian Dalrymple**  
*Nixon Peabody*  
San Francisco, CA

**Mike Krzak**  
*Clifford Law Offices*  
Chicago, IL

5:00 p.m. **RECEPTION**

## **FRIDAY, OCTOBER 17, 2008**

**Program Moderator: Dan Rose**

9:00 a.m. **GARA MORE THAN A DECADE LATER: SAVIOR OR SUBTERFUGE?**  
Join a panel discussion that will engage such topics as whether the statute is responsible for the entry of new manufacturers and technologies into the field or whether it is simply a well-orchestrated “free pass”.

**Moderator: Dan Rose**  
*Kreindler & Kreindler, LLP*  
New York, NY

**Patrick Bradley**  
*Reed Smith, LLP*  
Princeton, NJ

**Linda Lane**  
*Morrison Foerster, LLP*  
San Diego, CA

**Mike Slack**  
*Slack & Davis*  
Austin, TX

**Tim Harrington, General Counsel**  
*Bell Helicopter Textron Inc.*  
Ft. Worth, TX

9:45 a.m.

**UNDERSTANDING JUROR DECISION-MAKING**

This presentation will provide some insight into how and why juries make their decisions so we may better understand and predict what decision-making processes jurors are using when they decide liability and damage verdicts.

**Stuart Miles, Ph.D.**  
*DecisionQuest*  
Louisville, KY

10:45 a.m.

**BREAK**

**Program Moderator: Chris Odell**

11:00 a.m.

**ETHICS IN THE EARLY GOING**

Using an aviation accident hypothetical, our panel examines ethical issues related to obtaining clients, negotiating and mediating settlements.

**Moderator: Rick Alimonti**  
*Alimonti Law Offices, PC*  
White Plains, NY

**Duke Maloney**  
*Kreindler & Kreindler, LLP*  
New York, NY

**David Harrington**  
*Holland & Knight, LLP*  
New York, NY

**Debra Fowler**  
*U.S. Department of Justice*  
Washington, D.C.

**Prof. Thomas D. Morgan**  
*George Washington University, School of Law*  
Washington, D.C.

**Jerry Roscoe**  
*Mediator and Arbitrator, JAMS*  
Washington, D.C.

12:00 p.m.

**OTHER ACT EVIDENCE IN AVIATION CASES**

This presentation will examine the federal evidence law on admissibility of prior and subsequent incidents involving the same products in product liability cases.

**Chris Brown**  
*Cozen O'Connor, LLP*  
Miami, FL

**Ricardo Martinez-Cid**  
*Podhurst Orseck, PA*  
Miami, FL

12:30 p.m.

**ADJOURN**



**REGISTRATION DEADLINE: SEPTEMBER 26, 2008**

**HOTEL DEADLINE: SEPTEMBER 26, 2008**

### **ADVANCE REGISTRATION**

Visit the TIPS Aviation and Space Law Litigation Program website to register at [www.abanet.org/tips](http://www.abanet.org/tips) or complete the registration form included in this brochure and fax it to us at (312) 988-6230. The registration fee includes admission to the program, course materials, continental breakfast, breaks, and reception. If you wish to have your name appear on the pre-registration list distributed at the program, we must receive your meeting reservation no later than **September 26, 2008**. Registration reservations will be confirmed in writing within 10 business days.

### **ON-SITE REGISTRATION**

On-site registrations will be accepted if space is available. Call Donald Quarles at (312) 988-5708 or email [dquarles@staff.abanet.org](mailto:dquarles@staff.abanet.org), 72 hours prior to the program to confirm that space is available. On-site registrants must pay the program fee by credit card or check made payable to the American Bar Association. A \$25 fee will be charged to individuals registering on-site.

### **CANCELLATION POLICY**

No registration fee refunds will be granted for cancellations received after **September 26, 2008**. In order to receive a refund (less a \$100 administrative fee), the ABA must receive written cancellation by **September 26, 2008**. Registrants who are unable to attend may send a substitute or will receive course materials in lieu of a refund.

### **HOTEL INFORMATION**

Ritz Carlton Hotel

Reservations can be made by calling **(202) 835-0500**.

A limited number of rooms have been blocked for program registrants of the ABA Tort Trial & Insurance Practice Section Aviation and Space Law Litigation Meeting at the Ritz-Carlton Washington D.C., 1150 22nd Street NW, Washington, DC 20037 for a hotel room rate of **\$299 S/D plus 14.5% tax**. **For reservations, please call the hotel directly at (202) 835-0500. The room block will be held until exhausted or until Monday, September 26, 2008 at 5:00 p.m. (CST)**. After the meeting specified hotel deadline, reservations will be confirmed based on availability. Please refer to the ABA Tort Trial & Insurance Practice Section Aviation and Space Law Litigation Meeting when calling the hotel to make reservations. Hotel check-in is 3:00 p.m. and checkout is 12:00 p.m. (Noon). All reservations must be guaranteed by credit card or deposit check. Individuals with guaranteed reservations must cancel their reservations by 72 hours on the scheduled day of arrival to avoid a one-night cancellation charge.

### **AIRLINE INFORMATION**

Discounted airfares are available from ABA Orbitz For Business including ABA negotiated discounts on American and United Airlines. To book online, go to [www.abanet.org/travel](http://www.abanet.org/travel) > click under the Orbitz For Business logo at the top of the page > click on the appropriate link in the Self Paid Travel box. For assistance with online or offline reservations, call toll free **1-877-222-4185**.

Following is the ABA discount code for American and United Airlines under which your reservations need to be purchased in order to receive either the ABA percentage discount or zone fare.

**AMERICAN AIRLINES** (800-433-1790) Code # 19838

**UNITED AIRLINES** (800-521-4041) Code # 578IG

### **CLE INFORMATION**

Accreditation will be requested for this program from every state with mandatory continuing legal education (MCLE) requirements for its lawyers. Please be aware that each state has its own rules and regulations, including its definition of "CLE". Check with your state agency for confirmation of this program's approval. Attorneys seeking to obtain MCLE credit in Pennsylvania are required to pay state accreditation fees directly to that state. Certificates of attendance will be available at the conclusion of the program. In order to receive CLE credit, all attorneys will be required to sign-in on the sign in sheets and obtain a Uniform Certificate of Attendance. Registration fees must be paid in full before registrants can receive credit. You may contact the ABA Service Center toll free at (800) 285-2221 or Donald Quarles at (312) 988-5708 two weeks prior to the conference for confirmation of the number of CLE credit hours requested by the ABA or credit approved by any particular state.

### **MEMBERSHIP INFORMATION**

For more information about membership in the ABA or the Tort Trial & Insurance Practice Section (TIPS), please visit us online at [www.abanet.org/tips/about](http://www.abanet.org/tips/about) or call (800) 285-2221. Membership in TIPS includes three industry-leading periodicals, discounts of up to 20% on many TIPS CLE programs, and other career and practice-enhancing benefits. Join TIPS today!

### **PERSONS WITH DISABILITIES**

Services for persons with disabilities are available. If special arrangements are required for an individual to attend this program, please notify the ABA promptly at (312) 988-5708. Reasonable advance notice is requested.

### **GET CONNECTED WITH TIPS!**

Information on this and other TIPS CLE programs is available online at [www.abanet.org/tips](http://www.abanet.org/tips). Visit us and get connected!

### **SCHOLARSHIPS AVAILABLE!**

**ATTENTION TIPS MEMBERS:** Scholarships are available for all Section activities, courtesy of the TIPS Scholarship Fund. The Fund, established with the International Risk Management Institute ("IRMI") and supported by subscriptions to the IRMI CGL Reporter, is intended to increase membership involvement in TIPS' activities among minorities, solo and small firm practitioners, government attorneys, women, and young lawyers by providing financial support to those who would otherwise be unable to participate. To request an application or receive additional information, visit [www.abanet.org/tips/scholarship.html](http://www.abanet.org/tips/scholarship.html) or contact Linda Wiley at (312) 988-5673.

# REGISTRATION FORM

ABA Tort Trial & Insurance Practice Section (TIPS)

Aviation and Space Law Litigation

October 16-17, 2008 • Ritz-Carlton Hotel, Washington, DC

REGISTRATION DEADLINE: SEPTEMBER 26, 2008 HOTEL DEADLINE: SEPTEMBER 26, 2008

**1. REGISTRANT:** (Please print or type one form per person; photocopy this form for additional registrants)

LAST NAME FIRST NAME MI

NAME AS YOU WISH IT TO APPEAR ON YOUR BADGE

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WHAT STATE(S) ARE YOU LICENSED IN?

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Are you attending your first Aviation Litigation Program?

Yes  No

I am a member of the ABA and wish to join the Tort Trial & Insurance Practice Section. I have enclosed a separate check for \$50 made payable to the American Bar Association.

**2. REGISTRATION FEES:**

	On or			
	Before 9/26/08	After 9/26/08	QTY	TOTAL
TIPS member	\$525	\$550	___	___
ABA Member	\$575	\$600	___	___
General Attendee	\$625	\$650	___	___
Government Employee	\$395	\$420	___	___
Law Student	\$150	\$175	___	___

(Meeting Registration Deadline September 26, 2008)

**3. TOTAL PAYMENT**

Total Payment Due \_\_\_\_\_

**4. PAYMENT INFORMATION**

Check (made payable to the ABA)  American Express  MasterCard  VISA

Credit Card Number \_\_\_\_\_ Expiration Date \_\_\_\_\_

Signature \_\_\_\_\_

**THREE WAYS TO REGISTER**

1. **ONLINE:** [www.abanet.org/tips](http://www.abanet.org/tips)

2. **MAIL:** **TIPS Aviation Litigation Program**

American Bar Association  
321 North Clark Street 18.2  
Chicago, IL 60610

3. **FAX:** 312/988-6230

**AVIATION AND SPACE  
LAW LITIGATION  
NATIONAL PROGRAM**

**October 16-17, 2008  
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Washington, DC**

American Bar Association  
Tort Trial & Insurance Practice Section  
321 North Clark Street  
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