

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
Defending Liberty
Pursuing Justice



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 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, 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 > 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 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. 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 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

FIRM/COMPANY

WHAT STATE(S) ARE YOU LICENSED IN?

ADDRESS

CITY

STATE

ZIP

(AREA CODE) BUSINESS TELEPHONE

FACSIMILE

E-MAIL ADDRESS

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

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
Ritz-Carlton Hotel
Washington, DC**

American Bar Association
Tort Trial & Insurance Practice Section
321 North Clark Street
Chicago, Illinois 60610



#866990



FIRST CLASS PRSRT
U.S. Postage
Paid
Documentation