American Conference Institute’s 8th Annual Forum on Defending and Managing
AVIATION CLAIMS & LITIGATION

The essential forum that shapes the future of litigation strategies for leading carriers, manufacturers, insurers and their counsel

Co-Chairs:  
Ann Thornton Field  
Gordon Rees Scully Mansukhani, LLP  
Brian C. Dalrymple  
Nixon Peabody LLP

Special Address by:  
Christopher A. Hart  
Chairman  
NTSB

Government Insights from:  
Jeffrey Klang  
FAA  
David Tochen  
NTSB

Sessions Include:  
FAA, DOT & NTSB priorities, initiatives, and practices  
DRONES – the latest FAA regulatory developments; the legal, technical and policy concerns; and emerging developments in the UAS (Unmanned Aerial System) insurance market  
FLIGHT CREW MENTAL HEALTH ISSUES POST-GERMANWINGS: the legal, regulatory, public safety and ethical considerations  
Incorporating the latest PREEMPTION DEVELOPMENTS into your litigation strategy, and the continuing fallout from DAIMLER AG V. BAUMAN  
Liability and safety issues surrounding PILOT OVER-DEPENDENCY ON AUTOMATION FEATURES  
BREAKING DOWN TWO HYPOTHETICAL AIRPORT CLAIMS: injury in an airport concession stand & airfield “ramp side” work injury  
Analyzing the latest PASSENGER DISCRIMINATION CLAIMS  
FOREIGN CRASHES / INCIDENTS: navigating forum non conveniens, criminal liability, venue and choice of law  
DEFENDING AVIATION CLAIMS: discovery challenges, effective use of experts, spoliation and preservation of evidence, proper use of NTSB reports, and winning over the jury

Learn from and meet:  
American Airlines  
Delta Air Lines  
United Airlines  
British Airways  
Global Aerospace Inc.  
Garmin International  
XL Catlin  
Trans States Holdings, Inc.  
Bell Helicopter Textron  
Boeing South Carolina  
Alaska Airlines  
AIG  
Textron Inc.  
Phoenix Air Group  
Cargolux Airlines

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Hon. Mildred E. Methvin  
Hon. Richard S. Schmidt  
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Here are just some of the agencies, companies and firms already participating

Federal Aviation Administration
National Transportation Safety Board
American Conference Institute
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United Airlines
British Airways
Global Aerospace Inc.
Garmin International
XL Catlin
Trans States Holdings, Inc.
Bell Helicopter Textron

Boeing South Carolina
Alaska Airlines
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Hassell-Legal, P.A.
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The Clark Law Group
Goldberg Segalla

American Conference Institute is pleased to announce its 8th National Forum on Aviation Claims & Litigation. This year’s New York City event has been revamped to provide attendees with up to the minute insights and strategies that are necessary to manage and defend against the newest claims and enforcement. Our unparalleled faculty of federal government officials, judges, expert in-house counsel, and leading outside counsel will provide you with strategic advice, critical insights, and comprehensive updates for:

FAA, DOT & NTSB priorities, initiatives, and practices

DRONES – the latest FAA regulatory developments; the legal, technical and policy concerns; and emerging developments in the UAS (Unmanned Aerial System) insurance market

FLIGHT CREW MENTAL HEALTH ISSUES POST-GERMANWINGS: the legal, regulatory, public safety and ethical considerations

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This event will fill up quickly, so register now by calling 1-888-224-2480, faxing your registration form to 1-877-927-1563, or registering online at www.AmericanConference.com/Aviation
7:30
Registration & Continental Breakfast

7:55
Co-Chairs’ Welcoming Remarks
Ann Thornton Field
Gordon Rees Scully Mansukhani, LLP
Brian C. Dalrymple
Nixon Peabody LLP

8:00
THE VIEW FROM THE AIRLINE CARRIERS AND MANUFACTURERS on Managing Costs, Case Evaluation, Litigation Management; Responding to Enhanced Regulation and Enforcement; Compliance Strategies; Selecting and Retaining Law Firms and Distribution of Legal Spend in Today’s Environment; and More

Jon-Peter F. Kelly
Assistant General Counsel
Delta Air Lines

Mike Henning
Managing Counsel — Litigation & Intellectual Property
United Airlines

Jarod G. Goff
Assistant General Counsel — Litigation
Garmin International, Inc.

Nigel Wright
Head of Specialty Claims (Non-Marine) Americas
XL Catlin

John G. Sams
Deputy General Counsel, Litigation
Bell Helicopter Textron Inc.

Mark C. Fava
Chief Counsel
Boeing South Carolina

Randall H. Davis
VP & General Counsel
Phoenix Air Group, Inc.

Roxanne Clements
Compliance Officer, the Americas
Cargolux Airlines International

Moderator:
Brian C. Dalrymple
Nixon Peabody LLP

9:30
AVIATION INSURANCE ROUNDTABLE: Views from Counsel, Claims Professionals, Underwriters, Reinsurers, Agents/Brokers, Adjusters and Others on Recent Trends Affecting Aviation Insurance
Garrett L. Pendleton
Vice President
Aerospace | AIG Property Casualty
AIG

Marge Hainsworth
Sr. Claims Analyst, Team Lead
Risk Management Department
American Airlines

James B. Blaney
Senior Counsel, Americas
British Airways Plc

David Beyer
Director, Risk Management at Alaska Airlines
Alaska Airlines

Sherry J. Ortiz
Senior Vice President, Manager, Airline Claims
USAIG

Christopher Johnson
Assistant Treasurer — Risk Management
Textron Inc.

Patricia Moores
Managing Director, Head of Aviation Claims
Aon

Robert E. Corcoran, Esq.
Assistant Vice President, Claims Attorney
Global Aerospace, Inc.

Moderator:
David Harrington
Condon & Forsyth LLP

11:05
GOVERNMENT INSIGHTS:
Speakers from the FAA and NTSB on the Latest Regulatory and Enforcement Priorities, Initiatives, and Practices

Jeffrey Klang
Regional Counsel
Federal Aviation Administration

David Tochen
General Counsel
NTSB

Moderator:
David Norton
Shackelford, Bowen, McKinley & Norton, LLP

Featured Speakers Include:

Christopher A. Hart
NTSB

Hon. Lee Yeakel
U.S. Dist. Ct., W.D. Texas

Hon. Ruben Castillo
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Hon. Paul M. Warner
U.S. Dist. Ct., D. Utah

Hon. Mildred E. Methvin (recall)

Hon. Tonianne J. Bongiovanni
U.S. Dist. Ct., D. N.J.

Hon. David J. Waxse
U.S. Dist. Ct., D. Kansas

Hon. Richard S. Schmidt

Christopher Proudlow
SVP, Manager Northeast Regional Office & UAS Risks
Global Aerospace Inc.
Ann Taylor
Locke Lord LLP
Jonathan S. Ziss
Goldberg Segalla

- An examination of the growing drone insurance market
- Problems and challenges faced by the drone insurance market
- What are underwriters looking at? What risks are they identifying and how are they modeling risk and setting premiums?
- How are companies underwriting these risks in the absence of historical experience and sufficient actuarial data?
- What types of policy provisions and exclusions are being written into these policies?
- Considerations when negotiating drone coverage and tips for navigating the process

SPOTLIGHT ON FLIGHT CREW MENTAL HEALTH ISSUES POST-GERMANWINGS: An In Depth Discussion of the Legal, Regulatory, Public Safety and Ethical Considerations

David J. A. Hayes, III
Vice President & General Counsel
Trans States Holdings, Inc.
Brian Alexander
Kreindler & Kreindler LLP
Scott Brooksby
Olson Brooksby P.C.

- An in depth discussion of aeromedical issues and developments following last year's Germanwings crash
- What procedures are currently in place to identify mental health issues in pilots, crew-members, air traffic controllers? — Are they enough?
- Who should be in possession of a crew-member's mental health information?
- Who has what responsibilities to make reports of other crew-members' mental health info?
- Who regulates this?
- Assessing considerations of confidentiality with considerations of public safety
- Under what circumstances can medical data be shared and with whom?
- What strides is the FAA taking in response to the Germanwings tragedy? (ARC and Amias)

Addressing current issues and challenges related to:
- Awareness and reporting of emotional and mental health issues
- Methods used to evaluate pilot emotional and mental health
- Barriers to reporting such issues
- Surveillance and oversight of designees and aviation industry substance-abuse programs
- A discussion of the ethical challenges and considerations, and how to best navigate them
DAY TWO
TUESDAY JUNE 28, 2016

4:50
ANATOMY OF AN AIRPORT CLAIM: Breaking Down 2 Hypothetical Airport Claims and the Key Steps and Strategies Needed to Successfully Defend Them (Injury in an Airport Concession Stand; Airfield "Ramp Side" Work Injury)

Ann Thornton Field
Gordon Rees Scully Mansukhani, LLP

Michael McGrory
SmithAmundsen LLC

Donald G. Machalinski
Merlo Kanofsky Gregg & Machalinski Ltd.

• Navigating the claim
• Contractual risk shifting
• Duty to defend
• Conflicts of interest
• Best practices for investigation
• Indemnification issues

5:40
Liability and Safety Issues Surrounding Pilot Over-Dependency on Automation Features

Patrick E. Bradley
Reed Smith LLP

Michel F. Baumeister
Baumeister & Samuels, P.C.

Thomas P. Routh
Nolan Law Group

• An industry discussion of how technology is changing the way pilots aviate for the better and for the worse
• Examining the spike in accidents that has resulted from an overreliance on automation and an underutilization of traditional hand flying and pilotage skills — what are the laws and liabilities involved?
• Are pilots provided enough training and experience to maintain manual flying proficiency? — a question that the DOT has recently asked the FAA to examine and address
• What are the latest trends in pilot training, and where are these trends headed?
• What liability and safety implications surround the transition to glass cockpit training?
• FAA development of new guidelines airlines can use to train and evaluate their pilots for maintained manual flying proficiency
• Mitigating risk and avoiding potential areas of litigation

6:30
Conference Adjourns
- Challenges in foreign accident investigation
- Admissibility of NTSB reports in foreign incident litigation
- Tips, best practices and proven methods for navigating non-traditional forums and the FNC risks of certain jurisdictions
- Federal Courts Jurisdiction and Venue
- Clarification Act — effects on removal and venue
- Choice of law issues
  - Best practices for conflict of law analysis, for both liability and damages
  - Recent litigation and application of choice of law rules when an action is governed by the Montreal Convention
  - How to be effective in influencing the threshold decision on which choice of law rule will control the court's choice of law analysis
  - Special nuances arising out of incidents occurring in Mexico, Latin America and South America
- Compliance with foreign regulations and treaty requirements
- Privatization and the unique issues presented when the client is owned by a foreign government, such as a national airline or foreign airport

11:15

Tips and Strategies for Defending Against Aviation Claims: Tackling Discovery Challenges, Effective Use of Experts, Spoliation and Preservation of Evidence, Proper Use of NTSB Reports, and Winning Over the Jury

Kevin M. Smith
Wiggin and Dana LLP
F. Bradley Hassell
Hassell-Legal, P.A.
Ricardo M. Martinez-Cid
Podhurst Orseck, P.A.

Tackling Discovery Challenges
- The latest challenges, developments and trends in the use of e-discovery in aviation litigation
- Creating a defensive e-discovery strategy
- Recent rulings regarding e-discovery
- Discovery of big data / automated data systems – identifying and overcoming the challenges
- Spoliation and preservation of evidence issues

Effective Use of Experts
- Picking the right expert
- Admissibility of expert testimony under Rule 702
- Qualifying an expert before getting into the court room
- The impact of Rule 26 on expert discovery
- Minimizing cost for the client
- Preparing and defending Daubert challenges; and cross-examining an expert witness

Winning Over the Jury
- Effective use of jury research
- Breaking down complex technical aviation terms and concepts for jurors
- Assessing trial themes
- Overcoming juror sympathies

12:10

Conference Ends

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American Conference Institute is pleased to offer our delegates a limited number of hotel rooms at a preferential rate. Please contact The Carlton Hotel directly at (800) 601-8500 and mention “ACI-June” to receive this rate. Online, please log on to: AmericanConference.com/Aviation/Venue–Accommodation

10:30

Analyzing the Latest Passenger Discrimination Claims

Jonathan Stern
Schnader Harrison Segal & Lewis LLP
Austin W. Bartlett
Adler Murphy & McQuillen LLP

An overview of the latest passenger discrimination cases
- Strategies for avoiding, managing and defending these claims
- Under what circumstances do courts find a passenger to have been a legitimate “threat?”
- Under what circumstances do courts find discriminatory removal of a passenger from a plane?
- Who makes the decision to remove a passenger, and what must be shown to prove a decision to remove a passenger was reasonable?
- No Fly List litigation and “Flying While Muslim” cases — a discussion of the latest claims, prevailing and succeeding theories, and strategies for defending these claims

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About The Venue:

Over a century ago, our luxury hotel in New York City’s Midtown area helped transform the neighborhood into one of Manhattan’s most desirable areas. Today, our Midtown Manhattan hotel’s new, modernized look makes it a centerpiece of the city’s NoMad (North of Madison Square Park) neighborhood located north of the Flatiron building and south of Herald Square.

At The Carlton Hotel in New York City, guests seeking an extraordinary urban getaway will be pleasantly surprised by our luxury hotel’s seamless integration of old-world charm and modern flare. Guests of The Carlton can experience the hotel’s unparalleled service and luxurious amenities, secluded in a unique urban setting and perfect for a romantic getaway to Manhattan. The Carlton Hotel features intimate spaces where guests can relax, away from the energy of Midtown New York, while also serving as an elegant backdrop for business meetings and special events. We are proud to serve our discerning hotel guests in any way we can and invite you to explore our contemporary retreat on Madison Avenue.
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- Mass torts
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AVIATION CLAIMS & LITIGATION

June 27–28, 2016 | The Carlton Hotel on Madison Avenue | New York, NY

American Conference Institute
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See inside for details…

American Conference Institute’s 8th Annual Forum on Defending and Managing

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The essential forum that shapes the future of litigation strategies for leading carriers, manufacturers, insurers and their counsel

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