



**The Eleventh Annual
McGill University/PEOPIL
Conference on
INTERNATIONAL AVIATION LAW:
LIABILITY, INSURANCE & FINANCE
19-20 October 2018
at
The National Gallery of Ireland
Merrion Square
Dublin 2
Ireland**



This event brings together World-Leading aviation liability, insurance & FINANCE experts to address the following topics:

- **Comparative Jurisprudence under the Warsaw System and the Montreal Convention of 1999**
- **Liability of Airlines, Airports, Maintenance Providers & ANSPs**
- **Products Liability of Manufacturers Aircraft, Engines & Component Parts**
- **Governmental Liability**
- **Consumer Protection Regulation & Litigation**
- **Aircraft Leasing and Finance**
- **The Challenges of Settlement**
- **In addition, the conference will host a luncheon and reception/dinner to facilitate networking between attorneys, insurers, air carriers, manufacturers and governmental representatives.**

This is the Eleventh Annual McGill/PEOPIL Conference on International Aviation Liability, Insurance & Finance

Prior Conferences were held in:

Toulouse 2008
Montreal 2009
Amsterdam 2010
Montreal 2011
London 2012
Montreal 2013
London 2014
Montreal 2015
Edinburgh 2016
Montreal 2017



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PROGRAM

FRIDAY OCTOBER 19, 2018

8:15 – 9:00

REGISTRATION

9:00 – 10:00

Recent Developments in Air Carrier Liability

- Comparative Analysis of Recent Warsaw and Montreal Convention Jurisprudence in Europe, the US, Latin America and Asia/Pacific
- Applicability of the 261/2004 EU regulation to non-EU carriers
- Update on the “extraordinary circumstances” defense: recent EU Jurisprudence
- Recent Aviation Disaster Litigation
- Conflicts Between U.S. and European Courts
- The Challenges of Achieving Global Uniformity

Chair: Paul Stephen Dempsey – McGill University, Montreal, Canada

Speakers:

Luiz Eduardo Arena Alvarez– Arena Alvarez Advogados – Sao Paulo

Jorge Góngora - Góngora Reina & Associates, Bogotá

Andrew Harrington – Norton White, Sydney

Jeanne O’Grady – Speiser Krause, New York

Rebecca Smith - Irwin Mitchell LLP, London

10:00 – 11:00

Liability of Manufacturers of Aircraft and Component Parts

- Does governmental certification preempt tort claims?
- What are Recoverable Damages?
- The Conflict Between North American and European Courts
- TCAS, Autopilot and Automation
- Will we see more use of the Hague Convention on Products Liability?
- Is there Liability Exposure for Foul Cabin Air and Radiation?
- What is the liability for the use of counterfeit parts?

Chair: Heather Devine – Isaacs & Co., Toronto

Speakers:

Stephen Coxhead - Fowler White Burnett, Miami

Vonnick Le Guillou – DLA Piper, Paris

Brandt Madsen – SmithAmundsen, Chicago

David Weiner – Arnold & Porter, Houston

Zhang Chaohan – Northwest University of Political Science & Law, Xi'an

11:00 – 11:20

Refreshment Break

11:20 – 12:20

Liability of Governments for Aviation Accidents and Acts of Terrorism

- Sovereign Immunity
- The US Foreign Sovereign Immunity Act and the Federal Tort Claims Act
- The US Justice Against Sponsors of Terrorism Act, or JASTA
- What will be the liability exposure of the United States should other nations enact reciprocal legislation?
- Under what circumstances can a State force a foreign airline to waive sovereign immunity as a condition of licensing?
- Libya's Settlement with Families of Pan Am 103
- The Challenges of State Liability: A look at KAL 007, Lockerbie, the September 11, 2001, U.S. terror attacks, MH 17 and Cuban Brothers to the Rescue

Chair: Jim Morris – Ashfords, London

Speakers:

Alisa Brodkowitz – Friedman Rubin, Seattle

Jim Kreindler – Kreindler & Kreindler, New York

Kenneth Quinn – Baker McKenzie LLP, Washington

12:20 – 13:40

Lunch

13:40 – 14:40

Liability of Airports, ANSPs and Maintenance Providers

- Liability of airports for passenger injury
- The contractual liability of the airport operator
- Cyber Security: Airport risk and liability
- Implementation of the data protection EU 2016/679 Regulation
- Airport operation risks, related liability and insurance program
- The lessor and manufacturer liability, latest developments
- Liability of lessors under the principle of negligent entrustment
- Liability of maintenance providers

Chair: Jean-Michel Fobe – Sybarius Advocates, Brussels

Speakers:

Valérie Augros - Avocat à la Cour, Paris

Adrian Cioranu – EUROCAE, Paris

Isabelle Lelieur, Chevrier Avocats, Paris

Ann-Frederique Pothier – Eurocontrol, Brussels

14:40 – 15:50

Court Is in Session: *Analyzing the Importance of Trial in Aviation Accident Cases*

- Choice of Jurisdiction: Trial Considerations
- Comparative Fault and Joint Liability
- Admissibility of Government Investigations and Reports
- Time to Trial and Cost
- Trial, Strategy, and Verdict – *Judge vs. Jury*
- Using “The Threat” of Trial in Settlement Negotiation

Chair: Robert Hedrick - Aviation Law Group, Seattle

Panel Speakers:

Robert A. Clifford – Clifford Law Offices, Chicago

Sigrid Preissl – Bourayne & Preissl, Paris

Gerard Forlin QC – Cornerstone Barristers, London

Joe Fiorante – Camp, Fiorante, Matthews, Vancouver

15:50 – 16:10

Refreshment Break

16:10 – 17:30

Aviation Litigation in Ireland: How It Works

- Irish Legal Issues relating to aviation liability and insurance
- PIAB (statutory scheme for personal injury),
- Coroners Inquests after the Norfolk Coroner Judicial Review case
- SAR operations

Chair: James Healy-Pratt – Stewarts Law LLP, London

Speakers:

Kieran Cowhey - Dillon Eustace, Dublin

Simon McAleese – McAleese & Co., Dublin

Patrick McGurgan – Coroner for Northern Ireland, Belfast

18:00 – 19:30

Gala Reception and Dinner

Keynote Speaker:

Stephen Kavanagh, CEO Aer Lingus

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SATURDAY OCTOBER 20, 2018

9:30-10:30

Air Carrier Liability: What is an “Accident”, and What Damages are Recoverable under the Warsaw/Montreal Conventions

- Review of recent court decisions on what constitutes accident and bodily injury.
- To what extent are courts permitting recovery for emotional and mental injuries?
- How courts treat medical emergencies in flight?
- Review of recent court decisions on the scope of (dis)embarkation.
- Should the carrier be liable for passenger-to-passenger assaults?
- Should the carrier be liable for occurrences that are not related to the operation of the aircraft?
- What will be the liability exposure of crew and/or air marshals who subdue an unruly passenger?

Chair: George Leloudas – Swansea University

Speakers:

Simon Balls - Kennedys, London

Michel F. Baumeister - Baumeister & Samuels, P.C., New York

Andrew Harakas – Clyde & Co., New York

Mark K. Schwartz - Driggers, Schultz & Herbst, PC, Troy, Michigan

10:30-11:30

The Challenges of Aircraft Leasing and Finance

- Smart choices in aircraft investment – asset types and jurisdictional risk
- Monitoring the Cape Town Convention – scoring compliance by member States
- The future of export credit and financing
- Expunging clogs in the title and other interventions: how the Irish High Court keeps watch on the Cape Town international registry
- Subsidies and State aid: updates on the GATT, Airbus-Bombardier and other recent flashpoints

Chair: Brian F. Havel – McGill University, Montreal

Speakers:

Catherine Duffy – A&L Goodbody, Dublin

Donald Gray- Blakes & Company, Toronto

Dr. Donal Patrick Hanley – ACG Aircraft Leasing Ireland Limited, Dublin

Richard Sharman – Clifford Chance, London

Serap Zuvun - Cakmak Law Offices, Istanbul

11:30-11:50

Refreshment Break

11:50 -13:00

Aviation Litigation in the United States: How it Works

- Conflict of Laws
- Venue
- Forum Non Conveniens
- Jury Trials
- Appeals

Chair: Patricia Barlow – Barlow Law, San Francisco

Speakers:

Stuart Fraenkel – Nelson & Fraenkel LLP, Los Angeles

Christopher Knight – Fowler White Burnett, Miami

Kevin Sutherland - Clyde & Co., San Francisco

13:00-14:00 **Lunch**

14:00 - 15:30

The Challenges of Settlement Negotiation & Emerging Insurance Issues

- The Challenges of Multi-Jurisdictional Settlements in Complex International Aviation Litigation Against Multiple Tortfeasors
- Settlement Complications in Cases Involving Long-Missing Commercial Aircraft
- Settlement/Payment Difficulties Due to Sanctions and International Trade Controls
- Use of “Structured Settlements”
- Emerging Insurance Issues (e.g., Acts of Terrorism, Conflict Zones, Cyber Security)

Chair: Alan Reitzfeld – Retired Senior Partner, Holland & Knight, New York

Panelists:

Anna Anatolitou – Ince & Co., London

Martin Blake – Juris Resolutions, Dublin

Steven C. Marks – Podhurst Orseck PA, Miami

Anna Masutti – LexJus Sinacta, Milan

Suzanne McCarthy – Global Aerospace, New Jersey



McGill



2018 CONFERENCE INFORMATION

Venue: The National Gallery of Ireland
Merrion Square W, Dublin 2, Ireland

Nearby Hotels: See <https://hotelmap.com/pro/MCP3Z#calendar>

Passport/Visa Information: If you are visiting Ireland, a valid passport is generally required. It is the responsibility of the visitor, before entering Ireland, to ensure that he or she has the necessary documents, including those required to enter Ireland or re-entry into his/her own country.

For latest programme information: Visit the McGill website at <https://www.mcgill.ca/iasl/events/iali/iali2018> and the PEOPIL website at <https://peopil.com/>

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Questions: contact Maria D'Amico at 514-398-5095 or e-mail conferences.iasl@mcgill.ca

**Conference on
INTERNATIONAL AVIATION LAW:
LIABILITY, INSURANCE & FINANCE
REGISTRATION FORM**

Name _____

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REGISTRATION FEE

Registration fee includes admission to the 2-day program, refreshments, luncheons, and reception and gala dinner.

Kindly check mark which of the following categories and registration fees apply to you. All amounts below are stated in British Pounds Sterling

	Total Number	EARLY BIRD RATE	After September 15	Total Amount
Delegate Rate*		@ £440	@ £490	
Speakers*		@ £365	@ £400	
Students, government, academics, and PEOPIL Young Lawyers Section members		@ £195	@ £225	

* Members of PEOPIL, the European Aviation Club, and graduates of McGill University enjoy a £40 discount off these rate categories.

SPECIAL 1-DAY Rate 30% Discount off above rate.

- I will attend the Friday lunch.
- I will attend the Friday evening gala dinner.
- I will attend the Saturday lunch.

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PLEASE NOTE: Accommodation is not included in this package and McGill/PEOPIL are not responsible for hotel reservations. You may book a room directly with one of the Conference Hotels.

For available hotels see:

<https://hotelmap.com/pro/MCP3Z#calendar>