



McGill

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Air and Space Law



60TH ANNIVERSARY
INSTITUTE OF AIR AND SPACE LAW

ANNUAL
MCGILL
CONFERENCE
ON
INTERNATIONAL
AVIATION
LIABILITY &
INSURANCE

MAY 6-7, 2011

HILTON MONTRÉAL
BONAVENTURE HOTEL
MONTREAL, CANADA

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International Air Transport Association



THIS EVENT BRINGS TOGETHER WORLD-LEADING AVIATION LIABILITY AND INSURANCE EXPERTS TO ADDRESS THE FOLLOWING TOPICS:

- Recent Developments in Aviation Liability and Insurance
- Recovery of Non-Economic Damages
- Unruly Passengers and Liability for Acts of Unlawful Interference
- Jurisdiction & Forum Non Conveniens
- Liability of Manufacturers of Aircraft, Engines & Component Parts
- Comparative Interpretations of the Montreal Convention of 1999 and their Impact on Airlines, Manufacturers, Insurers & Claimants
- Disputes Between Insurers and Reinsurers
- Lessors' Liability Exposure

AS WELL AS TO PRESENT FOUR SIMULATIONS:

- Moot Court Pretrial Motion
- Moot Trial
- Mock Mediation
- Moot Court Appellate Argument

The fact pattern on which the four simulations are based will cover key complex contemporary legal issues.

In addition, the conference will host luncheons and a cocktail reception to facilitate networking among attorneys, insurers, air carriers, manufacturers and governmental representatives.

This is the third annual conference on this subject organized by the McGill University Institute of Air & Space Law. Prior conferences were held in Montreal in 2009 and Amsterdam in 2010.





PROGRAM

THURSDAY, MAY 5

16:30 – 18:00

Registration: Hilton Montréal Bonaventure

FRIDAY, MAY 6

7:00 – 8:45 Registration

8:45 – 9:00 Welcoming Remarks

Prof. Paul Stephen Dempsey (*McGill University, Institute of Air & Space Law, Montreal*)

9:00 – 10:30

Recent Developments in Aviation Liability & Insurance

- A review of contemporary laws, jurisprudence and developments in international air law and liability insurance.

CHAIR: **Rod D. Margo** (*Condon & Forsyth LLP, Los Angeles*)

SPEAKERS:

- Air Carrier Liability: **Laura Safran, QC** (*Davis LLP, Calgary*)
- Manufacturers' Liability: **Thomas J. McLaughlin** (*Perkins Coie LLP, Seattle*)
- Air Navigation Service Provider Liability: **Roderick Van Dam** (*EUROCONTROL, Brussels*)
- Insurance: **Kathy Posner** (*Condon & Forsyth LLP, New York*)
- Lessor Liability: **Gerald C. Sterns** (*Sterns & Walker, Oakland*)

10:30 – 10:50 REFRESHMENT BREAK

10:50 – 12:00

A Pre-Trial Moot Court Argument on Forum Non Conveniens

Should domestic courts hear claims for accidents arising in foreign jurisdictions? Listen to a lively debate that may include a discussion of the five (six) jurisdictions under the Montreal Convention of 1999, the West Caribbean Airways

case, the Helios case, the Gol midair collision and others. Following the Moot Court argument, the lawyers will turn to the audience for a candid discussion of their strategic and tactical considerations in advocacy. These two prominent aviation tort lawyers will argue the motion before an appellate judge, a former Dean of the McGill University Faculty of Law.

JUDGE: **Hon. Nicholas Kasirer** (*Court of Appeal of Québec, Montreal*)

COUNSEL:

FOR THE PLAINTIFF: **Steven Marks** (*Podhurst Orseck P.A., Miami*)

FOR THE DEFENDANT: **Allan Mendelsohn** (*Cozen O'Connor, Washington, DC*)

12:00 – 13:30 LUNCH

KEYNOTE ADDRESS: **George Petsikas** (*President, National Airlines Council Of Canada, Montreal*)

13:30 – 15:30

Mock Mediation

This presentation is a mock mediation of the liability and damages issues in the same fact pattern as the pre-trial moot court argument and the moot trial.

“THE PLAYERS”:

CHAIR: **Alan D. Reitzfeld** (*Holland & Knight LLP, New York*)

PARTICIPANTS:

Michael Carbone (*JetBlue Airways Corporation, New York*)

James B. Chaplin (*Mediation Inc., Fort Lauderdale*)

Philip Chrystal (*Swiss Reinsurance Company, Zurich*)

James P. Kreindler (*Kreindler & Kreindler LLP, New York*)

Mark Mackrell (*Norton White, Sydney*)

Ulla Annica Norrhäll (*Munich Reinsurance Company, Munich*)

15:30 – 15:50 REFRESHMENT BREAK



15:50 – 17:00

Roundtable Discussion: Comparative Interpretations of the Warsaw/Montreal Conventions & Aircraft Lessors' Liability Exposure

- What are the similarities and differences in judicial interpretation of the provisions of the Warsaw/Montreal Conventions?
- Do the Conventions still satisfy the objective to unify aviation liability rules globally or do they instead encourage forum shopping?
- What is the relation between the Conventions and recent passenger rights legislation and regulations?
- What is the liability exposure of aircraft losses?

CHAIR: **P. Nikolai Ehlers** (*Ehlers, Ehlers & Partner, Munich*)

EUROPE: **Wolf Müller-Rostin** (*Former General Counsel, Delvag Aviation Insurance, Cologne*)

ASIA/PACIFIC: **Peng Lim** (*Clyde & Co LLP, Singapore*)

AFRICA: **Anthony T. Laleye** (*Tayo Laleye & Co., Lagos*)

LATIN AMERICA: **Eduardo Dueri** (*Marsh Ltd., Bogotá*)

NORTH AMERICA: **Donal Hanley** (*Aviation Capital Group Corp., Newport Beach*)

17:15 – 19:00

Cocktail Reception: Hilton Montréal Bonaventure



SATURDAY, MAY 7

8:15 – 8:30

Introductory Remarks

Kenneth Quinn (*Pillsbury Winthrop, Washington, DC*)

8:30 – 11:10

Moot Trial

Enjoy a moot trial where witnesses will be examined and cross-examined, and evidence introduced including computer-based accident simulations. At the end, the trial lawyers will be invited to explain their strategic and tactical approaches.

JUDGE: **Hon. Allan Hilton** (*Court of Appeal of Québec, Montreal*)

ATTORNEY FOR PLAINTIFF: **Mitch Baumeister** (*Baumeister Samuels P.C., New York*)

ATTORNEY FOR DEFENDANT: **Ann Field** (*Cozen O'Connor, Philadelphia*)

11:10 – 11:30 REFRESHMENT BREAK

11:30 – 12:30

Passenger Rights

- Have the courts overstepped their jurisdiction in interpreting passenger rights regulation around the globe and does this ultimately benefit passengers as intended?
- What are the future prospects for passenger rights legislation in Europe and elsewhere?
- What is the legal exposure of air navigation service providers and airports as a result of flight delays, cancellations and denied boarding?
- What are the US regulatory rules on airline advertising of services and fares and where are they applicable?

CHAIR: **George Leloudas** (*Gates And Partners, London*)

SPEAKERS:

Simon Evans (*UK CAA, London*)

Michael Gill (*IATA, Geneva*)

Francis Schubert (*Skyguide Swiss Air Navigation Services Ltd., Geneva*)

Thomas J. Whalen (*Eckert Seamans Cherin & Mellott LLC, Washington, DC*)



12:30 – 14:00 LUNCH

KEYNOTE ADDRESS: **Harold Caplan** (*Quadrant Chambers, London*)

14:00 – 15:00

Recovery of Non-Economic Damages

- Under what circumstances is recovery permitted for pain and suffering, loss of consortium, loss of society, post-traumatic stress disorder and other non-economic damages?
- How do the new Surface Damage Liability Conventions on air operator liability change the rule on recovery for emotional damages vis-à-vis the Warsaw/Montreal regime for air carrier liability?
- How does damage recovery against air carriers under the Warsaw/Montreal Conventions differ from recovery against other defendants (such as aircraft manufacturers) under domestic law?

CHAIR: **Bruce Garrow** (*Borden Ladner Gervais LLP, Toronto*)

SPEAKERS:

- **James Healey-Pratt** (*Stewarts Law LLP, London*)
- **Louise-Hélène Sénécal** (*Air Canada, Montreal*)
- **David Willcox** (*Clyde & Co LLP, London*)

15:00 – 16:00

Unruly Passengers and Liability for Acts of Unlawful Interference

- Should the carrier be liable for the assault of one passenger on another?
- Should liability be allowed under the Warsaw/Montreal regimes when the “accident” was not caused by an event or occurrence related to an aviation operation?
- What are the policies and procedures which air carriers follow to deal with the unruly passenger?
- Have recent court decisions circumscribed the liability shield provided by the Tokyo Convention?

CHAIR: **Gerard Chouest** (*Bersenas LLP, Toronto*)

SPEAKERS:

- **John Balfour** (*Clyde & Co LLP, London*)
- **Steven Fus** (*United Airlines, Inc., Chicago*)
- **Jeanne M. O’Grady** (*Speiser Krause Nolan & Granito, New York*)
- **Alejandro Piera** (*UAE Delegation on the ICAO Council, Montreal*)

16:00 – 16:20 REFRESHMENT BREAK

16:20 – 17:30

Moot Court Appellate Argument

This session consists of a mock US Supreme Court argument of the recent US Court of Appeals decision in *Eid v. Alaska Airlines*, 621 F.3rd 858 (9th Cir. 2010). *Eid* addressed an issue of elevated importance in the aftermath of September 11, holding that under the Tokyo Convention, liability for an airline captain’s decision to divert a flight and deplane allegedly unruly passengers should be based on a simple lack of reasonable care and not on the more deferential “arbitrary and capricious” standard. The decision arguably exposes carriers to increased liability, and potentially circumscribes flight crew discretion in dealing with unruly passengers. In this session, two prominent aviation tort lawyers will cross swords before the only US appellate court judge to have published law review articles on aviation regulatory issues.

JUDGE: **Hon. Richard D. Cudahy** (*US Court of Appeals for the Seventh Circuit*)

- ATTORNEY FOR PETITIONER: **Andrew J. Harakas** (*Clyde & Co US LLP, New York*)
- ATTORNEY FOR RESPONDENTS: **Steve Pounian** (*Kreindler & Kreindler LLP, New York*)

17:30

Concluding Remarks

Prof. Paul Stephen Dempsey (*McGill University, Institute of Air And Space Law, Montreal*)

CONFERENCE INFORMATION

Venue: The Hilton Montréal Bonaventure Hotel
900 Rue de La Gauchetière Ouest
Montréal, Québec H5A 1E4
Reservations:
Toll free: 1-800-267-2575
Direct line: +1 514 878-2332

The Hilton Montréal Bonaventure is nestled on the very roof of Place Bonaventure, a Montreal landmark. The Hilton Montréal Bonaventure boasts 2½ acres of landscaped gardens, outdoor terraces and a spectacular year round heated pool. The Hotel is directly connected to the metro/subway, Montreal central train station, and the famous underground city of boutiques and restaurants.

1. Hotel Reservations: Please complete the attached **Hotel Reservation Form** and fax it to (514) 878-3881, or reserve online at: <http://www.hilton.com/en/hi/groups/personalized/YULBHHF-AIR-20110505/index.jhtml>

We are pleased to confirm the following **special Conference rates in Canadian dollars, starting at \$155.00. Hotel prices do not include governmental taxes.**

	Room Rate
Standard Deluxe Rooms (1 King bed or 2 double beds)	\$155.00
Executive Floor Rooms	\$185.00

Executive floor rooms provide benefits including: complimentary deluxe continental breakfast, honour bar & hors d'œuvres [17:00 -19:30], free local calls and high speed Internet access.

We have reserved a block of rooms and the reservation deadline is **noon, April 14, 2011**. After this date, the Hotel does not guarantee the availability of rooms and will assign rooms on a space available basis. Rooms are available for *check-in* at 15:00 with a *check-out* time of 12:00 noon.

In order to receive the preferred contracted rates, telephone and fax requests must identify affiliation with our group — **please refer to the “McGill Liability Conference” when making reservations.**

2. Passport/Visa Information: If you are visiting Canada, a valid passport is required. It is the responsibility of the visitor, before entering Canada, to ensure that he or she

has the necessary documents, including any applicable transit documents, entry documents to Canada and documentation to re-enter the home country. Contact the nearest Canadian Embassy or Consulate if you need to obtain a visa to enter Canada. McGill Institute of Air and Space Law will be pleased to offer supporting documentation for your visa application upon request. Please contact conferences.iasl@mcgill.ca

3. Cancellation Policy: Registrants who are unable to attend the Conference will receive a refund [less 25% of the registration fee for administrative charges] upon written cancellation received by **April 14, 2011**. Regretably, **NO** refunds will be granted thereafter. However, a substitute registrant may be designated in lieu of the original registrant [or Conference materials may be sent in lieu of a refund after the Conference]. Please advise us of the substitute name in advance. **Cancellations must be faxed to McGill Liability Conference 2011 at 514-398-8197.** The Conference reserves the right to cancel any programs and assumes no responsibility for personal expenses.

4. Latest Program Information: Visit the McGill website at <http://www.mcgill.ca/iasl/> or contact conferences.iasl@mcgill.ca

5. Marketing Contacts:
Sponsorship of the Conference: Contact **Mark Glynn** or **Maria D'Amico** at 514-398 5095 or e-mail conferences.iasl@mcgill.ca.

6. Questions: If you have questions or require additional conference information, please contact **Mark Glynn** or **Maria D'Amico** at 514-398 5095 or e-mail conferences.iasl@mcgill.ca.

7. The Barreau du Québec [Quebec Bar] has accredited this conference for 12 ¼ hours of certified continued legal education credits. Attestations of participation will be provided to all lawyers on request for the number of hours attended. An additional explanatory note will be available for lawyers from other jurisdictions who may be able to gain reciprocal recognition.



REGISTRATION INFORMATION

PRE-REGISTRATION IS RECOMMENDED TO AVOID DELAYS ON-SITE

- To register for all programs and events described in this brochure, **please submit your completed registration form and payment to the addresses indicated below.**
- In order to be included in the list of program attendees, you must register by **May 3, 2011.**
- **No registrations will be processed without payment.**
- Where applicable, please send proof of full-time student status in 2011 with your registration.

THREE WAYS TO REGISTER

- **Internet:**
Register online at: www.mcgill.ca/iasl
- **Fax to:**
McGill Liability Conference 2011, Fax number: (514) 398-8197
Fax completed registration form with credit card payment information.
- **Mail to:**
Send completed registration form with payment [do not mail cash] to:
McGill Liability Conference 2011
McGill University Institute of Air & Space Law
3690 Peel Street
Montreal, Quebec
Canada H3A 1W9



On-site registration is available to anybody unable to register in advance. Pre-registration is required for the IASL to provide supporting documentation for entry to Canada.

No registrations will be accepted without payment.

PAYMENT INFORMATION

REGISTRATION FEES

- For registration fees, please see enclosed registration form.
- Registration fees are expressed in **Canadian dollars**.
- Conference fees include Canadian and Quebec sales taxes.
- Registration fees include admission to the two-day program, refreshment breaks, luncheons and a cocktail reception.
- A 30% discount will apply on fees indicated on registration form for one-day admission.

METHOD OF PAYMENT

- **Credit Card** (Visa, MasterCard or American Express). Fees will be charged in Canadian dollars.
- **Cheque or money order in Canadian funds payable to “McGill University Institute of Air & Space Law”**.
- **Cash (on-site only)**
- **Bank transfer payment** The registration fee must be paid in Canadian dollars.

You should indicate clearly to your bank that the transfer is made to “McGill University Institute of Air and Space Law”.

An additional charge of CAD \$20.00 should be added to cover charges applied by McGill University's bank.

Please note that processing may require up to two weeks.

E-mail conferences.iasl@mcgill.ca to inform McGill when you have initiated the bank transfer.

Beneficiary Bank:
RBC Royal Bank of Canada
1 Place Ville Marie
Montreal, Quebec
H3C 3A9
Canada

Transit code: 00001
SWIFT code: ROYCCAT2
Bank/Branch code: 003
McGill Bank Account Number:
308-101-5

Currency of account: CAD\$
Account name:
McGill University (Please
state “McGill Institute of
Air & Space Law”)



McGILL LIABILITY CONFERENCE 2011 REGISTRATION FORM

6 -7 MAY 2011

Mr. Mrs. Ms. Dr.

FIRST NAME	INITIAL(S)	LAST NAME
TITLE		
ORGANIZATION / FIRM		
ADDRESS		
CITY	STATE/PROVINCE	POSTAL/ZIP CODE
TELEPHONE		E-MAIL
DATE		SIGNATURE

Registration Fee: includes admission to the 2-day program, refreshments, luncheons, and cocktail reception.
 All amounts below are stated in Canadian dollars & include all Canadian and Quebec sales taxes.

Kindly check mark which of the following categories and registration fees apply to you

	Early Bird (Postmarked on or before 14 April 2011)	Regular (Postmarked on or after 15 April 2011)
General attendee	<input type="checkbox"/> \$695.00 CAD	<input type="checkbox"/> \$795.00 CAD
Associate/Sponsor*	<input type="checkbox"/> \$595.00	<input type="checkbox"/> \$695.00
Academic/Government	<input type="checkbox"/> \$395.00	<input type="checkbox"/> \$495.00
Student/Speaker	<input type="checkbox"/> \$195.00	<input type="checkbox"/> \$295.00

* *Employees of IATA and our sponsors are invited to register at these reduced rates*

I will attend the Friday Luncheon **I will attend the Friday Reception**
 I will attend the Saturday Luncheon

Method of Payment: Cheque or money order in Canadian funds payable to *McGill Institute of Air & Space Law*
 MasterCard Visa American Express Cash (*on-site only*)

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EXPIRY DATE:	NAME OF CARD HOLDER:
DATE:	SIGNATURE OF CARD HOLDER:

By internet at: www.mcgill.ca/iasl

By fax: McGill Liability Conference 2011, Fax number: (514) 398-8197

By mail: Send completed registration form with payment to:
 McGill Liability Conference 2011, McGill University Institute of Air & Space Law,
 3690 Peel Street, Montreal, Quebec, Canada H3A 1W9

Conference on International Aviation Liability & Insurance (6-7 May 2011)

HOTEL RESERVATION FORM

The Conference has negotiated a special discounted conference rate of \$155CAD [Deluxe room] or \$185.00 [Executive room] at the **Hilton Montréal Bonaventure Hotel** (across from the ICAO Headquarters). To take advantage of this rate and to ensure your accommodation, please **complete this reservation form with full details**. FAX it directly to the hotel, using the fax number in box 2.

1. YOUR DETAILS

*Please complete in **block capitals** using **black ink***

FAMILY NAME:

GIVEN NAME:

JOB TITLE:

ORGANIZATION:

ADDRESS:

TEL (DIRECT LINE):

FAX (FOR CONFIRMATION):

2. YOUR REQUIREMENT

Please choose room type

Hilton Montréal Bonaventure Hotel

900 de la Gauchetiere O., Montréal, Québec, Canada H5A 1E4 Telephone (514) 878-2332

Please Fax to: +1-514- 878-3881 before April 14, 2011

- King Bedded Room at CAD \$155.00 per night Two Bedded Room CAD \$155.00 per night
 Executive Room at CAD \$185.00 per night Non-smoker

ARRIVAL DATE:

DEPARTURE DATE:

NUMBER OF NIGHTS:

3. TO GUARANTEE YOUR ROOM

All reservations must be guaranteed with a major credit card

Card Company: VISA MasterCard American Express

CARD NUMBER:

EXPIRY DATE:

SIGNATURE OF CARDHOLDER:

To cancel a guaranteed reservation you must contact the hotel and obtain a cancellation number before 18:00 of the day of check in, otherwise one night per room will be charged.

4. CONFIRMATION

To be completed by the hotel

This section will be completed by the **hotel** and the whole form will then be faxed back to you.
We are pleased to confirm the above booking.

RESERVATION NUMBER

DATE OF CONFIRMATION:

Thank You

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SAVE THE DATE:

McGill University

Institute of Air & Space Law

60th Anniversary Banquet Dinner

Thursday, September 22, 2011