



McGill

Institute of
Air and Space Law

**10TH Annual
McGill Conference on
International Aviation
Liability & Insurance**

✈ **MONTREAL**

JUNE 22-23, 2017

Plaza Centre-Ville (*EVO building*)

777 Robert-Bourassa Boulevard

Montreal Canada H3C 3Z7

For more information visit:

WWW.MCGILL.CA/IASL



A nighttime photograph of the Montreal skyline. The city is illuminated with various lights, including blue, white, and yellow. The lights from the buildings and streetlights are reflected in the water in the foreground. A large, ornate building with a dome is prominent on the right side. In the foreground, there are some boats and a wooden pier. The overall scene is vibrant and captures the energy of the city at night.

MONTREAL



This event brings together world-leading aviation liability and insurance experts to address the following topics:

- RECENT DEVELOPMENTS IN AVIATION LIABILITY AND INSURANCE
- COMPARATIVE JURISPRUDENCE UNDER THE WARSAW SYSTEM AND THE MONTREAL CONVENTION OF 1999
- LIABILITY OF AIRLINES, AIRPORTS, MAINTENANCE PROVIDERS & ANSPs
- PRODUCTS LIABILITY OF MANUFACTURERS AND LESSORS OF AIRCRAFT, ENGINES & COMPONENT PARTS
- GOVERNMENTAL LIABILITY
- CHALLENGES OF SETTLEMENT
- CONSUMER PROTECTION REGULATION & LITIGATION
- UNRULY PASSENGERS AND LIABILITY FOR ACTS OF UNLAWFUL INTERFERENCE
- ACCIDENT INVESTIGATIONS, ANNEX 13 & CRIMINALIZATION OF INTERNATIONAL AVIATION
- REGULATION OF DRONES AND LIABILITY OF OPERATORS

In addition, the conference will host social events to facilitate networking among attorneys, insurers, air carriers, airports, manufacturers, government and other air transport representatives. attorneys, insurers, air carriers, manufacturers and governmental representatives.

This is the Tenth Annual McGill Conference on International Aviation Liability & Insurance. Prior Conferences were held in:

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



COME EARLY AND ENJOY THE MONTREAL GRAND PRIX, JUNE 9-11

Stay late and enjoy The Montreal Jazz Festival June 28-July 8.

Ranked as the world's largest jazz festival by Guinness World Records, the Festival International de Jazz de Montréal hosts some 30 countries, 3,000 musicians and public entertainers, 1,000 concerts and activities—two-thirds of them free – in 15 concert halls and on 8 outdoor stages, welcoming more than 2 million visitors to the city, from noon to midnight!

PROGRAM

THURSDAY JUNE 22, 2017

8:00 – 9:00
REGISTRATION

9:00 – 10:15
RECENT DEVELOPMENTS IN AIR CARRIER
LIABILITY

- Comparative analysis of recent Warsaw Convention and Montreal Convention jurisprudence
- Recoverable damages
- Conflicts between US and European courts
- The challenges of achieving global uniformity
- Federal preemption – does the US Federal Aviation Act preempt the application of state law standards in the entire field of aviation safety?
- What impact does the regulatory implementation of safety management systems have on liability?

CHAIR:

- **Paul Stephen Dempsey** – McGill University, Montreal, Canada

SPEAKERS:

- **Carlos P. Martins** – Bersenas Jacobsen Chouest Thomson Blackburn LLP, Toronto, Canada
- **John Maggio** – Condon & Forsyth, New York, USA
- **Marc Moller** – Kreindler & Kreindler, New York, USA
- **Sybille Michèle Rexer** – Dabelstein & Passehl, Hamburg, Germany

10:15 – 10:45
REFRESHMENT BREAK

10:45 – 12:00
LIABILITY OF GOVERNMENTS FOR AVIATION
ACCIDENTS OR ACTS OF TERRORISM

- Sovereign immunity
- The US Foreign Sovereign Immunity Act and the Federal Tort Claims Act
- The new 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?
- Can a State force a foreign airline to waive sovereign immunity as a condition of licensing?
- Libya's Settlement with Families of Pan Am Flight 103
- The Challenges of State Liability: A look at Korean Air Lines Flight 007, Lockerbie, the September 11, 2001, U.S. terror attacks, Malaysia Airlines Flight 17 and Cuban Brothers to the Rescue

CHAIR:

- **Robert Donald** – DLA Piper, Calgary, Canada

SPEAKERS:

- **Barry Benson** – Director, Aviation and Admiralty Section, US Department of Justice, Washington DC, USA
- **Jeffrey Ellis** – Clyde & Co., New York, USA
- **James Healy-Pratt** – Stewarts Law LLP, London, UK
- **Jim Kreindler** – Kreindler & Kreindler, New York, USA

12:00 – 14:00
LUNCH

KEYNOTE ADDRESS BY:

- **Dr. Fang Liu** – Secretary General, ICAO, Montreal, Canada





14:00 – 15:00

PRODUCTS LIABILITY

- Does governmental certification preempt tort claims?
- Recoverable damages
- The conflict between North American and European courts
- Traffic collision avoidance system (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:

- **Brian Havel** – DePaul University, Chicago, Illinois, USA

SPEAKERS:

- **Alice Chan** – Chan & Grant, LLP, New York, USA
- **Michael Dreikorn** – The IPL Group, LLC, Bokeelia, Florida, USA
- **Brandt Madsen** – Smith Amundsen, LLC, Chicago, USA
- **Timothy Ravich** – University of Central Florida, USA
- **Steven M. Sandler** – Woodruff, Johnson, and Evans, Chicago, USA

15:00 – 16:00

LIABILITY OF AIRPORTS, ANSPs, LESSORS AND MAINTENANCE PROVIDERS

- Liability of airports for passenger injury
- Contractual liability of the airport operator
- Liability of Air Navigation Service Providers (ANSPs)
- Liability of lessors
- Liability of maintenance providers

CHAIR:

- **Alan Reitzfeld** – Holland & Knight LLP, New York, USA

SPEAKERS:

- **Sheryl Bregman** – Office of the San Francisco City Attorney, San Francisco, California, USA
- **Dr. Donal Patrick Hanley** – Aviation Capital Group, Dublin, Ireland
- **Leigh Ann Kirby** – NAV CANADA, Ottawa, Canada
- **Suzanne McCarthy** – Global Aerospace Inc., Parsippany, New Jersey, USA
- **Darryl Pankratz** – Alexander Holburn Beaudin + Lang LLP, Vancouver, Canada

16:00 – 16:30

REFRESHMENT BREAK

16:30 – 18:00

THE CHALLENGES OF SETTLEMENT & EMERGING INSURANCE ISSUES

- The challenges of multi-jurisdictional settlements
- The availability of insurance for acts of terrorism and flights in conflict zones A look at MH 370
- The impact of sanctions and international trade controls on settlements
- The challenges of dealing with attritional losses
- The role of insurance in managing the risk of cyber attacks
- How European insurers prepare for the challenges of Brexit?

CHAIR:

- **George Leloudas** – Swansea University, UK

SPEAKERS:

- **Brian Alexander** – Kreindler & Kreindler, New York, USA
- **Philip Chrystal** – Swiss Re, Zurich, Switzerland
- **Kinga Kolasa-Sokotowska** – THB Polska, Warsaw, Poland
- **Ulla Norrhäll** – Munich Re, Munich, Germany
- **Katherine B Posner** – Condon & Forsyth, New York, USA

18:00 – 19:30

GALA RECEPTION

PROGRAM

FRIDAY JUNE 23, 2017

9:30-10:30

WHAT IS AN “ACCIDENT” UNDER THE WARSAW/MONTREAL CONVENTIONS: UNRULY PASSENGERS AND LIABILITY FOR ACTS OF UNLAWFUL INTERFERENCE

- What is the injury producing event?
- Should the carrier be liable for the assault by one passenger of another?
- Should liability be allowed under the Warsaw/Montreal regimes when the “accident” (an unusual or unexpected event) was not caused by an event or occurrence related to the operation of an aircraft?
- Review of recent court decisions that have circumscribed the liability shield provided by the Tokyo Convention
- What impact will the Montreal Protocol of 2014, amending the Tokyo Convention, have on liability?
- What will be the liability exposure of air marshals who subdue an unruly passenger?
- What are the practical aspects of dealing with unruly passengers?

CHAIR:

- **Timothy Trembley** – Paterson MacDougall, Toronto, Canada

SPEAKERS:

- **Gilles Charette** – Air Canada, Montreal, Canada
- **Senarath Liyanage** – Etihad Airways, Abu Dhabi, UAE
- **Steven Marks** – Podhurst Orseck PA, Florida, USA

10:30-11:30

REGULATION OF DRONES AND LIABILITY OF THEIR OPERATORS

- Remotely Piloted Aircraft Systems (RPAS) versus Autonomous Unmanned Aerial Systems
- The integration of Unmanned Aerial Systems (UAS) into non-segregated airspace
- A comparative look at drone regulation in the US, Canada and the EU
- Liability regimes applicable to UAS, including third party and criminal liability
- Protection of privacy; are trespass concepts relevant?
- Procuring insurance for UAS
- The threat of cyber security, and terrorism posed by UAS

CHAIR:

- **Mia Wouters** – Brussels Bar, and University of Ghent, Belgium

SPEAKERS:

- **Mark Dombroff** – Dentons, McLean, Virginia, USA
- **Artur Eberg** – Eberg Aviation Consulting, Montreal, Canada
- **Ayman Idlbi** – Norton Rose Fulbright, Montreal, Canada
- **Serap Zuvin** – Serap Zuvin Law Offices, Istanbul, Turkey

11:30 - 11:50

REFRESHMENT BREAK



11:50 - 13:00

CONSUMER RIGHTS: REGULATION & LITIGATION

- The United Airlines Incident with Dr. Dao: What remedies exist for a forcibly “re-accommodated” (and injured) passenger?
- Should airlines be prevented from restricting public and third-party access to fare and schedule information to facilitate independent comparison shopping?
- The growth of airline ancillary fees--helpful and transparent, or harmful and deceptive?
- Are travel sites that do not directly book flights airline “ticket agents” that should be subject to regulation?
- Will the Trump Administration put a halt to or roll back U.S. consumer regulations?
- Are regulations, penalties, and compensation schemes for extend tarmac delays, denied boarding, and flight cancellations fair and equitable?
- EU Regulation 261 revisited.
- Do conflicting regimes for consumer protection pose an undue burden on airlines, and invite ICAO to step in?
- Do these regulations conflict with the exclusivity provisions of the Warsaw and Montreal Conventions? Was the EU Court of Justice wrong in finding no conflict?
- What do new regulations require for advertising, sales, and promotions?
- What is the gravity of liability exposure for airlines under the tarmac delay rules?
- How do policy makers and security personnel resolve the conflict between intrusive aviation security procedures and personal privacy?

CHAIR:

- **Paul Fitzgerald** – Canadian Transportation Agency, Ottawa, Canada

SPEAKERS:

- **Martine De Serres** – Air Canada, Montreal, Canada
- **Andrew Harrington** – flydubai, Dubai, UAE
- **Kenneth Quinn** – Pillsbury, Washington, DC, USA
- **Steven Truxal** – University of London, London, UK

13:00

ADJOURNMENT



2017 CONFERENCE INFORMATION

Venue:

PLAZA CENTRE-VILLE Convention Center
(EVO Building – across from ICAO Headquarters)
777 Boulevard Robert-Bourassa
Montreal, Quebec, Canada H3C 3Z7

Tel: (514) 879-0718

Fax: (514) 879-0907

info@plazacentreville.com

www.plazacentreville.com

Plaza Centre-Ville (formerly the Delta Centre-Ville Hotel) is centrally located between the historical Old Montreal and the vibrant downtown Montreal – moments from some of the area's most notable sites including the Old Port and Mount Royal.

NEARBY HOTELS:

As Montreal celebrates its 375th anniversary this year, we urge you to book your accommodations early. Following is a list of hotels in close proximity to the meeting site.

Hotel Bonaventure Montreal

900 de la Gauchetière W., Montreal H5A 1E4

Tel: 514-878-2332

Website: <http://hotelbonaventure.com/en/>

InterContinental Montreal

360 Saint Antoine W., Montreal H2Y 3X4

Website: <https://www.ihg.com/intercontinental/hotels/gb/en/montreal/yulhb/hoteldetail>

Le Westin Montreal Hotel

270 Saint-Antoine W., Montreal H2Y 0A3

Tel: 514-380-3333

Website: www.westinmontreal.com

Embassy Suites by Hilton Montreal

208 Saint Antoine O., Montreal H2Y 0A6

Tel: 514-288-8886

Website: embassysuites3.hilton.com

Hotel W

901 Square Victoria, Montreal, QC, H2Z 1R1, Canada

Tel: Reservations: 888-627-7081

Website: <http://www.wmontrealhotel.com/>

Marriott Renaissance Montreal Downtown Hotel

1250 Boulevard Robert-Bourassa, Montreal – H3B 1M7

Tel: 514-657-5000

Website: <http://www.marriott.com/hotels/travel/yulmd-renaissance-montreal-downtown-hotel>

Montréal Marriott Château Champlain

1050 de la Guichetière West, Montreal, QC H3B 4C9

Tel: 1-514-878-9000

Website: <http://www.marriott.com/hotels/travel/yulcc-montreal-marriott-chateau-champlain>

- 2. Passport/Visa Information:** If you are visiting Canada a valid passport is generally required. It is the responsibility of the visitor, before entering Canada, to ensure that he or she has the necessary documents, including those to enter Canada or re-entry into his/her own country. Contact the nearest Canadian Embassy or Consulate if you need to obtain a visa to enter Canada.
- 3. Registration Cancellation Policy:** Registrants who are unable to attend the conference will receive a refund, less 20% of the registration fee for administrative charges, if written cancellation is received prior to **May 25, 2017**. **Cancellations must be emailed to Maria D'Amico at maria.damico@mcgill.ca**. Regrettably, **NO** refunds will be granted thereafter, however, a substitute registrant may be designated in lieu of the original registrant. Please advise us of the substitute name in advance. The Conference reserves the right to cancel any programmes and assumes no responsibility for personal expenses.
- 4. For latest programme information:** Visit the McGill website at <http://www.mcgill.ca/iasl/>
- 5. CLE Credits:** This conference is accredited by a recognized provider for 8.5 hours of continuing legal education.
- 6. Sponsorship Liaison:** Contact **Dr. John Saba** at john.saba@mcgill.ca or call **514-398-5095**
- 7. Questions:** contact **Maria D'Amico** at **514-398 5095** or conferences.iasl@mcgill.ca

REGISTRATION INFORMATION



PRE-REGISTRATION is recommended to avoid delays on-site.

To register for all programmes and events described in this brochure, please submit your completed registration form and payment to the addresses indicated below. Confirmation will be faxed to you within 72 hours of registration receipt. In order to be included in the list of programme attendees, you must register by June 1, 2017. No registrations will be processed without payment.

THREE WAYS TO REGISTER!

- Internet:
register online at <http://www.mcgill.ca/iasl/events/iali2017>
- Fax:
completed registration form with credit card payment information to
McGill Conference 2017, c/o Maria D'Amico at fax number +1-514- 398-8197.
- Mail to:
Send completed registration form with payment [do not mail cash] to:
McGill Conference 2017
Attention: Maria D'Amico
McGill University Institute of Air & Space Law
3690 Peel Street
Montreal, Quebec Canada H3A 1X1

On Site Registration is available for those persons who miss the registration deadline. On site registrants must pay the registration fees by check, Visa, MasterCard, or American Express.

PAYMENT INFORMATION

REGISTRATION FEES

- For registration fees, please **see registration form below**.
- All fees are expressed in **Canadian dollars**.
- All fees include applicable Canadian and Quebec sales taxes.
- Registration fees include admission to the two-day programme, refreshment breaks, luncheon and gala reception.

METHOD OF PAYMENT

- **Credit Card** (Visa, Master Card or American Express);
- **Cheque or money order in Canadian funds payable to “McGill University Institute of Air & Space Law”;** or
- **Bank wire transfer payment to bank details below:** Kindly have your bank indicate that the payment is for McGill University Institute of Air and Space Law” and e-mail Maria D’Amico at maria.damico@mcgill.ca” maria.damico@mcgill.ca to confirm the wire transfer has been initiated.

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: Canadian \$

Account name:
McGill University
Please state “**McGill
University Institute of
Air & Space Law**”



10TH ANNUAL CONFERENCE ON INTERNATIONAL AVIATION LIABILITY & INSURANCE,
JUNE 22-23, 2017 - PLAZA CENTRE-VILLE, MONTRÉAL, CANADA

REGISTRATION FORM

Mr. Mrs. Ms. Dr.

FIRST NAME		INITIAL(S)	LAST NAME
POSITION			
ORGANIZATION / FIRM			
ADDRESS			
CITY	STATE/PROVINCE	POSTAL/ZIP CODE	COUNTRY
E-MAIL			DATE: (D/M/Y)

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

Registration fee includes admission to the 2-day programme, refreshments, luncheon, and reception.

All amounts below are stated in Canadian dollars.

	Early Bird (Postmarked on or before May 19, 2017)	Regular (Postmarked on or after May 20, 2017)
General attendee	<input type="checkbox"/> \$695.00 CDN	<input type="checkbox"/> \$795.00 CDN
Sponsor/IASL Graduate	<input type="checkbox"/> \$595.00 CDN	<input type="checkbox"/> \$695.00 CDN
Academic/Government/Speaker	<input type="checkbox"/> \$395.00 CDN	<input type="checkbox"/> \$495.00 CDN
Student (present ID card at conference)	<input type="checkbox"/> \$195.00 CDN	<input type="checkbox"/> \$295.00 CDN

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

I will attend the Thursday luncheon

I will attend the Gala Reception

Method of Payment: Check or Wire transfer payable to *McGill University Institute of Air & Space Law*;
or Mastercard Visa American Express

CARD NO:	
EXPIRY DATE:	NAME OF CARD HOLDER:
DATE: (D/M/Y)	SIGNATURE OF CARD HOLDER:

DISCLAIMER: For security reasons, please do not sent your credit card information electronically via email, instant messaging, scanned document, etc). Please fax this form to 514-398-8197.

By internet at: <https://www.conftool.com/iali2017/> for credit card payments

By fax: McGill Conference 2017, c/o Maria D'Amico, Fax number: (514) 398-8197

By mail to: McGill Conference 2017, Att: Maria D'Amico, Institute of Air & Space Law, 3690 Peel Street, Montreal, Quebec, Canada H3A 1W9

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