



McGill

Institute of
Air and Space Law



8TH ANNUAL
MCGILL CONFERENCE ON
INTERNATIONAL AVIATION
LIABILITY & INSURANCE



APRIL 17-18 2015

HOTEL BONAVENTURE MONTREAL
900 DE LA GAUCHETIERE WEST
MONTREAL CANADA
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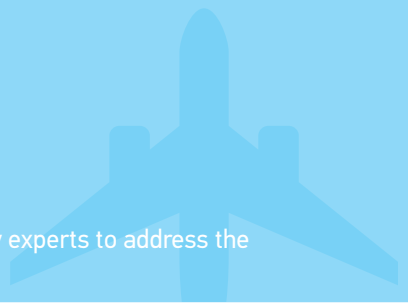
MONTREAL





EIGHTH ANNUAL MCGILL CONFERENCE ON INTERNATIONAL AVIATION LIABILITY & INSURANCE

APRIL 17-18, 2015
HOTEL BONAVENTURE MONTREAL
MONTREAL, CANADA



This event brings together some of the world's leading aviation liability experts to address the following topics:

RECENT DEVELOPMENTS IN AVIATION LIABILITY AND INSURANCE

LIABILITY OF AIRLINES, LESSORS AND MANUFACTURERS OF AIRCRAFT, ENGINES & COMPONENT PARTS

CONSUMER PROTECTION REGULATION & LITIGATION

FORUM NON CONVENIENS

UNRULY PASSENGERS AND LIABILITY FOR ACTS OF UNLAWFUL INTERFERENCE

ACCIDENT INVESTIGATIONS, INCIDENT REPORTING & CRIMINALIZATION OF INTERNATIONAL AVIATION

LIABILITY FOR AEROSPACE TRANSPORTATION

AIR CARRIER LIABILITY & ALLIANCE IMMUNITY UNDER ANTITRUST AND COMPETITION LAWS

In addition, the conference will host luncheons and receptions to facilitate networking between attorneys, insurers, air carriers, manufacturers and governmental representatives.

THIS IS THE EIGHTH ANNUAL MCGILL CONFERENCE ON INTERNATIONAL AVIATION LAW & LIABILITY

Prior Conferences were held in:

Toulouse 2008	London 2012
Montreal 2009	Montreal 2013
Amsterdam 2010	London 2014
Montreal 2011	



PROGRAMME

FRIDAY, APRIL 17

7:30 – 9:00

REGISTRATION

9:00 – 9:10

INTRODUCTORY REMARKS

Dean Daniel Jutras – McGill University Faculty of Law, Montreal

9:10 – 10:30

RECENT DEVELOPMENTS IN AVIATION LIABILITY & INSURANCE

- Update on passenger claims under the Montreal Convention
- Sanctions imposed by the US Office of Foreign Assets Control (OFAC) highlighting the major regulations - Iran, Syria and Sudan: overview and effect on aviation claims resolution
- State of the Union on Cargo: from amended Warsaw to Montreal 1999
- Challenges of achieving global uniformity in jurisdictional approaches to cargo litigation
- The 1973 Hague Convention on the law applicable to products liability: choice of law issues in aviation cases
- FOBs/instructions issued by manufacturers and their impact on liability

CHAIR:

- **Jim Morris** – Irwin Mitchell, London

SPEAKERS:

- **Dan Correl** – Clyde & Co., New York
- **Frank H. Granito III*** – Speiser Krause, New York
- **Thomas Rouhette** – Hogan Lovells, Paris
- **Carlos Villacorta Salís*** – BCV LEX, Madrid
- **Dan Soffin** – Kennedys, London

10:30 – 10:50

REFRESHMENT BREAK

10:50 – 12:00

JURISDICTION AND FORUM NON CONVENIENS

- The Five (Seven) Jurisdictions under the Montreal Convention of 1999
- Does the claimant have the exclusive right to choose among the venues specified in the Warsaw and Montreal Conventions in which to bring his suit?
- Should domestic courts hear claims for aviation accidents arising in foreign jurisdictions? A look at the:
West Caribbean Airways case
Flash Airlines case
China Eastern Airlines case
Gol case
Helios case
DHL Honeywell/Uberlingen
Spanair & Air France 447
- What happens when courts refuse to accept a case dismissed in another country on *forum non conveniens* grounds?
- What has been the impact of the “blocking statutes” promulgated by certain Latin American States?

CHAIR:

- **Patricia Barlow** – Barlow Law, San Francisco

SPEAKERS:

- **Christopher Knight** – Fowler White Burnett, Miami
- **Alan Mendelsohn** – Attorney at Law, Washington, DC
- **Peter Neenan** – Stewarts Law, London

12:00 – 13:30

LUNCH

KEYNOTE ADDRESS:

David Shapiro – Senior Vice President and Chief Legal Officer, Air Canada, Montreal, Canada



13:30 – 15:00

FLYING OVER CONFLICT ZONES: THE LEGACY OF MALAYSIAN AIRLINES FLIGHT 17

- Who are the potential defendants—the airlines, aircraft manufacturers, air navigation service providers, or the State?
- What are the potential liability risks to ICAO, IATA, airlines and governments of participating in or providing a clearinghouse of threat information?
- What issues arise when some airlines avoid flight paths into conflict zones, and others do not?
- What are the insurance implications of AVN 67B and C?

CHAIR:

- **Alejandro Jose Piera Valeds** – Guanes Heisecke & Piera, Asunción

SPEAKERS:

- **Chris Dalton** – ICAO, Montreal
- **Carole Gates** – IATA, Montreal
- **Arsen Herasymiv** – Ilyashev & Partners Law Firm, Kiev
- **Katherine B. Posner** – Condon & Forsyth, New York
- **J. Denny Shupe**, Schnader Harrison Segal & Lewis, Philadelphia

15:00 – 15:20

REFRESHMENT BREAK

15:20 – 17:00

ANTITRUST LIABILITY & IMMUNITY

- What are “metal neutral” joint ventures (JV) and why is everyone doing them?
- What are the different approaches to these JV reviews?
- What are the differences in regulatory treatments and clearances?
- What are the differences in substantive approaches?
- How can business people know what rules apply and where?

- How does one handle exclusions or “carve-outs” in day-to-day business?
- How does an industry that depends on cooperation amongst competitors stay on the right side of the law?
- What are examples of criminal and regulatory investigations (alleged cargo and passenger surcharge collusion, predatory pricing, etc.)? How do airlines and their executives avoid potential personal risk of violating antitrust laws worldwide (or, staying out of jail)?

CHAIR:

- **Katherine Kay** – Stikeman Elliott, Toronto

SPEAKERS:

- **Stephen Lachter** – Cozen O’Connor, Washington, DC
- **Solange Leandro** – Ince & Co., London
- **Anita Mosner** – Holland & Knight, Washington, DC
- **Mark Rosman** – Wilson Sonsini Goodrich & Rosati, Washington, DC

18:00 – 20:00

COCKTAIL RECEPTION AT THE HOTEL BONAVENTURE MONTREAL



SATURDAY, APRIL 18

8:30 – 9:30

WHAT CONSTITUTES AN “ACCIDENT” UNDER ARTICLE 17 OF WARSAW/MONTREAL: A LOOK AT 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 bound under the Warsaw/Montreal regimes when the “accident” was due to an event or occurrence not caused by airline personnel or unrelated to aviation operations?
- 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 is the liability of air marshals, crew or passengers who subdue an unruly passenger?

CHAIR:

- **Tim Trembley** – Paterson McDougall, Toronto

SPEAKERS:

- **Michael Jennison** – US Federal Aviation Administration, Washington, DC
- **Norberto Luongo** – Argentina Delegation to ICAO Council, Montreal
- **Judy Nemsick** – Holland & Knight, New York
- **Tory Weigand** – Morrison Mahoney, Boston

9:30 – 10:30

CONSUMER RIGHTS: REGULATION & LITIGATION

- EU Regulation 261 revised
- How do regulations across jurisdictions affect advertising, distribution, and sales?
- How do denied boarding, cancellation and tarmac delay rules affect the liability exposure of airlines?
- The Proliferation of Consumer Protection Regulations: Which jurisdictions have joined in the stampede for consumer protection? How can airlines manage conflicting requirements?

- Should ICAO or IATA strive to harmonize conflicting consumer protection laws?

CHAIR:

- **Martine De Serres** – Air Canada, Montreal

SPEAKERS:

- **Stephan Eriksson** – Liman & Partners, Stockholm
- **Jorge Gongora** – Gongora Reina & Associates, Bogotá
- **Auguste Hocking** – IATA, Geneva
- **Rodrigo Soto-Morales** – Universidad Panamericana, Mexico City
- **Blane Workie** – US Department of Transportation, Washington, DC

10:30 – 10:50

REFRESHMENT BREAK

10:50 – 12:00

PROTECTION OF SAFETY INFORMATION

- What are the costs to candor of access to incident and accident reports by litigators?
- What mechanisms exist to protect the confidentiality and identity of reporters of accident incidents?

CHAIR:

- **Kenneth Quinn** – Pillsbury, Washington, DC

SPEAKERS:

- **Jonathan Aleck*** – Australian Civil Aviation Safety Authority, Canberra
- **John Illson** – ICAO, Montreal
- **Allison Kendrick*** – The Boeing Company, Seattle
- **Delphine Micheaux Naudet*** – European Commission -DG Move, Brussels
- **David Tochen*** – National Transportation Safety Board, Washington, DC



12:00 – 13:15

LUNCH

KEYNOTE ADDRESS:

Richard Dalbello* – VP Business Development and Government Affairs, Virgin Galactic

13:15 – 14:15

IT'S NOT JUST PEANUTS ANYMORE: CARRIER LIABILITY FOR CONTAGIOUS DISEASE AND ALLERGIC REACTIONS

- What potential liability exposure do airlines face for the spread of SARS, Ebola and similar diseases?
- What are the potential perils of poor cabin air quality?
- What potential liability exposure do airlines face for allergies to such items as nuts, fish, or comfort/service animals?

CHAIR:

- **Mark Glynn** – Fernandes Hearn, Toronto

SPEAKERS:

- **Louise-Hélène Sénécal** – Air Canada, Montreal
- **W. Sean Taylor** – Harper Grey, Vancouver
- **Ludwig Weber** – ICAO, Montreal

14:15 – 15:20

LIABILITY FOR AEROSPACE TRANSPORTATION

- What are the liability implications for suborbital space travel?
- Is “informed consent” a valid defence to liability?
- Does ICAO have jurisdiction to address suborbital flight, and should it?
- Do aerospace vehicles face the same destiny as the Concorde aircraft, and the Zeppelin airships – going from being perceived as one of the safest to one of the most dangerous?

CHAIR:

- **Ram Jakhu** – McGill University, Montreal

SPEAKERS:

- **Michael Chatzipanagiotis** – Attorney at Law, Athens
- **Pamela Meredith** – Zuckert, Scouff & Rasenberger, Washington, DC
- **Laura Montgomery** – Federal Aviation Administration, Washington, DC

15:20 – 15:40

REFRESHMENT BREAK

15:40 – 16:50

THE COMPLEXITY OF INTERNATIONAL AVIATION LITIGATION AGAINST MULTIPLE TORTFEASORS: DO WE NEED A SINGLE FORUM?

- How efficient is the complex network of parallel and recourse actions filled among airlines, manufacturers and air traffic control providers in the aftermath of major accidents?
- Are the existing procedural rules aiming at the consistency of decisions and simplification of proceedings stemming from a single accident satisfactory (consolidation, joinder, staying of proceedings, etc.)?
- Does the Montreal Convention 1999 fuel the duration, cost and complexity of recourse actions?
- How do accident investigations contribute to the proliferation of recourse actions?
- Do we need an all-inclusive convention that will allow the resolution of recourse actions by the means of a single decision?
- Is it time to revive the idea of creating an International Aviation Court to deal with all claims following major accidents?



CHAIR:

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

SPEAKERS:

- **Brian J. Alexander** – Kreindler & Kreindler, New York
- **Laurent Chassot** – GBF Attorneys-at-Law, Geneva
- **Steven C. Marks*** – Podhurst Orseck PA, Miami
- **Darryl Pankratz** – Alexander Holburn Beaudin + Lang, Vancouver
- **Stéphanie Rostren** – Airbus Helicopters Group, Marseilles
- **Thomas Whalen** – Schott Johnson, Washington, DC

16:50 – 17:00

CONCLUDING REMARKS

Paul Stephen Dempsey –

Director, McGill University Institute of Air & Space Law, Montreal

19:00

GALA BANQUET/GRADUATION DINNER

McGill Faculty Club Ballroom

3450 McTavish Street, Montreal

8TH ANNUAL
MCGILL CONFERENCE ON
INTERNATIONAL AVIATION
LIABILITY & INSURANCE

2015 CONFERENCE INFORMATION

Venue:

Hotel Bonaventure Montreal

900 Rue de La Gauchetière Ouest
Montréal, Québec H5A 1E4
Reservation: 1-800-267-2575

Hotel Bonaventure Montreal – a five star hotel – is nestled on the very roof of Place Bonaventure, a Montreal landmark, the Hotel Bonaventure boasts 2 ½ acres of landscaped gardens, outdoor terraces and a spectacular year round heated pool. The Hotel is directly connected to the metro/subway, train station and the underground city of boutiques & restaurants.

1. Hotel Reservations: To make your hotel reservations online, please [CLICK HERE](#) or call toll free number 1-800-267-2575 or direct line: (514) 878-2332. Hotel fax line: (514) 878-3881.

We are pleased to confirm the following **special group rates in Canadian dollars, starting at \$179.00** [Note: applicable taxes are extra]:

	Single Rate	Double Rate
Standard Deluxe Rooms (1 King bed or 2 double beds)	\$179.00	\$179.00
Executive Floor Rooms	\$199.00	\$235.00

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

We have reserved a block of rooms and the reservation deadline is noon, **March 16, 2015**. After this date, the Hotel does not guarantee the availability of rooms and will assign rooms on a space available basis. Any changes or cancellations for these guestrooms must be made 72 hours prior to the arrival date. Rooms are available for *check-in* at 15:00 with a *checkout* time of 12:00 noon.

In order to receive the preferred contracted rates, telephone and fax requests must identify their affiliation with our group — **please refer to the “8th ANNUAL MCGILL IASL International Aviation Liability & Insurance Conference”** when making reservations.

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 **April 1, 2015**. **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. Sponsorship Liaison: Contact Dr. John Saba at john.saba@mcgill.ca or call **514-398-5095**

6. Questions: contact **Maria D’Amico at 514-398 5095** or e-mail maria.damico@mcgill.ca

CLE Credits: This event has been accredited by the *Barreau du Québec* for 12.25 hours of continuing legal education for jurists (**No. certification: 10099620**).

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.**

In order to be included in the list of programme attendees, you must register by **April 1, 2015.**

No registrations will be processed without payment.

THREE WAYS TO REGISTER!

- Internet:
register online at www.bookstore.mcgill.ca/iali2015
- Fax to:
- completed registration form with credit card payment information to:
McGill Conference 2015, 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 2015
Attention: Maria D'Amico
McGill University Institute of Air & Space Law
3690 Peel Street
Montreal, Quebec
Canada H3A 1W9

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, luncheons and cocktail reception listed.

METHOD OF PAYMENT

- **Credit Card** (Visa, MasterCard 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 to confirm that a 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
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McGill Bank Account
Number: 308-101-5

Currency: Canadian \$
Account name:
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Please state **McGill**
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2015 MCGILL CONFERENCE REGISTRATION FORM

Mr. Mrs. Ms. Dr.

FIRST NAME INITIAL(S) LAST NAME

TITLE

ORGANIZATION / FIRM

ADDRESS

CITY STATE/PROVINCE POSTAL/ZIP CODE COUNTRY

TELEPHONE E-MAIL

DATE SIGNATURE

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

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

All amounts below are stated in Canadian dollars & include all applicable Canadian and Quebec sales taxes.

	Early Bird	Regular
	(Postmarked on or before 15 March 2015)	(Postmarked on or after 16 March 2015)
General attendee	<input type="checkbox"/> \$595.00 CAD	<input type="checkbox"/> \$695.00 CAD
Associate/Sponsor/IASL Graduate	<input type="checkbox"/> \$495.00	<input type="checkbox"/> \$595.00
Academic/Government/Speaker	<input type="checkbox"/> \$295.00	<input type="checkbox"/> \$395.00
Student	<input type="checkbox"/> \$195.00	<input type="checkbox"/> \$295.00
Gala Banquet/Graduation Dinner (optional)	<input type="checkbox"/> \$100.00	<input type="checkbox"/> \$125.00

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

___ I will attend the Friday Luncheon ___ I will attend the Friday Reception

___ I will attend the Saturday Luncheon ___ I will attend the Saturday Dinner

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)

CARD NO:

EXPIRY DATE: NAME OF CARD HOLDER:

DATE: SIGNATURE OF CARD HOLDER:

By internet at: www.bookstore.mcgill.ca/iali2015

By fax: McGill Liability Conference 2015 Fax number: (514) 398-8197

By mail to: McGill Conference 2015, Att: Maria D'Amico, Institute of Air & Space Law, 3690 Peel Street, Montreal, Quebec, Canada H3A 1W9

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WHITE & CASE

Established 1937



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