2017 Annual Meeting & Conference

September 14-15, 2017
Omni Mont Royal in Montreal
Montreal Quebec Canada

Co-Sponsored by:

McGill
Dear Colleagues

On September 14-15, 2017, the American Bar Association’s Forum on Air and Space Law will hold its 2017 Annual Meeting and Conference at the elegant Omni Mont Royal in Montreal. We are very pleased to announce that this Annual Conference will once again be co-hosted by McGill University’s Institute of Air and Space law.

The Forum on Air & Space Law is the premier association of attorneys who work in the global travel industry or the field of space law. McGill University is renowned for its world-class air and space law curriculum and its outstanding faculty and alumni. As Program Co-Chairs, we invite you to attend this leading aviation and space law conference and ask that you mark your calendars now.

As always, we have an exciting agenda for the Annual Conference. We are happy to announce that Dr. Fang Liu, Secretary General of the Montreal-based International Civil Aviation Organization, Angela Gittens, Director General, Airports Council International World, and Brian F. Havel, the incoming Director of McGill University’s Institute of Air & Space Law, have already graciously agreed to serve as keynote speakers for the conference. Stayed tuned for more such announcements.

This year’s Conference will feature a series of panels that will provide valuable overviews about hot issues concerning matters of critical importance to the aviation and aerospace industries. The ten panel topics will include consumer rights, labor law issues, international aviation traffic and ownership and control rights, space law developments, liability matters, and global competition law issues. We will also present a general counsel panel, something attendees at past conferences have told us they found of special interest. Each panel will feature leading authorities and industry experts, including preeminent aviation and aerospace lawyers, senior airline executives, and key government decision makers.

In addition to a first-rate program and the exquisite fall setting of historic Montreal, the Annual Conference also affords attendees unrivaled networking opportunities with aviation and space attorneys and government officials, who are from across the globe and at the pinnacle of their profession.

Hotel Reservations: To make your hotel reservations, please contact the Omni Mont Royal directly for availability at 514-284-1103, our conference rate is $209++ CAD. Please refer to the ABA Forum on Air and Space Law Conference when calling.

Scholarship Opportunities: A limited number of scholarships to defray tuition expenses are available for qualifying attorneys at a 50% reduction in the course fees over $500. To request an application or receive additional information, please contact dawn.holiday@americanbar.org. Please note that all scholarship applications must be received no later than 30 days prior to the program presentation.

Sponsorship Opportunities: Contact Jennifer Trock at Jennifer.Trock@bakermckenzie.com

For more information or questions, please contact Dawn R. Holiday at dawn.holiday@americanbar.org

We look forward to seeing you at the Conference in Montreal! For more information or questions, please contact Dawn R. Holiday at dawn.holiday@americanbar.org

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Forum Chair
Monica Hargrove
Metropolitan Washington Airports Authority

Program Co-Chair
David Schwarte

Forum Chair-Elect
Andrea Brantner
GECAS

Program Co-Chair
Prof. Paul Dempsey
MARGOT F. BESTER
Transportation Security Administration

ABBY BRIED
Jenner & Block, LLP

BRIAN FRIEDMAN
JetBlue Airways Corporation

LISA A. HARIG
Stinson Leonard Street LLP

DON HAINBACH
Garofalo Goerlich Hainbach PC

DIANE HOWARD
Embry-Riddle Aeronautical University, International Institute of Space Law (IISL)

HOWARD KASS
American Airlines

CHRISTIAN KHOURY
United Nations

ANITA MOSNER
Holland & Knight LLP

TAE MEE PARK
Bersenas Jacobsen LLP

BRIAN POSTON
MacKenzie Fujisawa, LLP

LOUISE-HELENE SENECAL
Air Canada

DAVID SEMANCHIK
Air Line Pilots Association

TIM TREMBLEY
Paterson, MacDougall LLP

ERIC VALLIERES
McMillian LLP
7:00 a.m.  
CONTINENTAL BREAKFAST

8:00 a.m. – 8:10 a.m.  
COMMENCEMENT AND INTRODUCTORY REMARKS

8:10 a.m.-8:40 a.m.  
KEYNOTE SPEAKER  
Angela Gittens, Director General, Airports Council International World

8:45 a.m. – 10:15 a.m.  
ANTITRUST - CONCENTRATION OR COMPETITION  
The last several years have seen a merger wave that created the four largest US carriers and ushered in fundamental competitive changes to the industry in the form of increased numbers of grants of antitrust immunity that have further established the “metal neutral” international alliances. With the dust at least somewhat settled, it is a good time to take stock of these dramatic events and to consider the future.

• What has been the impact of these events on both airlines and consumers?
• What are the right metrics to consider when assessing competition?
• Do the “facts of life” in the airlines business jive with the approach antitrust enforcers take?
• What is the state of competition in today’s marketplace and what can we expect going forward?

Moderator:  
William Stallings  
Partner, Mayer Brown LLP, Washington, D.C.

Panelists:  
Katherine L. Kay  
Partner, Stikeman Elliott LLP, Toronto, Canada

William J. McGee  
Consumer Advocate and Author of Attention All Passengers, Hartford, CT

Robert C. Land  
Senior Vice President Government Affairs and Associate General Counsel, JetBlue, Washington, D.C.

R. Bruce Wark  
Vice President and Deputy General Counsel, American Airlines, Inc., Fort Worth, TX

10:15 a.m. – 10:30 a.m.  
BREAK

10:30 a.m. – 11:45 a.m.  
AIR TRAFFIC RIGHTS IN INTERNATIONAL AVIATION  
There is currently no shortage of high-profile debates about international air services access, debates that will no doubt continue to occupy the agendas of governments and multiple stakeholders, including airlines, labor organizations, consumers and communities. The battle lines have been sharply drawn between the contesting and vocal champions of the various players. The real-world economic and political consequences for all stakeholders of the actions ultimately taken by governments are likely to prove momentous and long lasting.

• Will the Trump Administration continue to negotiate “open skies” agreements, or are they instead viewed as “bad trade deals”?
• Will the Trump Administration re-open existing bilateral air traffic agreements?
• Will the US or the European Union re-negotiate bilaterals to limit traffic rights, enhance transparency and address State Aid?
• Are the Middle East airlines engaging in unfair competition as a result of State Aid?
• Are US and European airlines engaging in unfair competition as a result of State Aid and antitrust immunity?
• Will the US DOT continue to insist on “metal neutral joint ventures” as a prerequisite to antitrust immunity?
• With enhanced cross-border ownership, are multinational airlines emerging, and if so, should the concept of “substantial ownership and effective control” be modified?

Moderator:  
Professor Dr. Paul Dempsey  
Tomlinson Professor Emeritus in Air & Space Law, Director Emeritus, Institute of Air & Space Law, McGill University, Montreal, Canada
Panelists:

Fathi Atti  
Senior VP Aeropolitical & Corporate Affairs, Qatar Airways, Doha, Qatar

Howard E. Kass  
VP-Regulatory Affairs, American Airlines, Inc., Washington, D.C.

Kevin Mitchell  
Chair, Business Travel Coalition, Radnor, PA

Arthur J. Molins  
General Counsel, the Americas, Lufthansa North America, New York, N.Y

Nancy Sparks  
Managing Director, Regulatory Affairs, FedEx Express, Washington, D.C.

12:00 p.m. – 1:20 p.m.  
LUNCHEON AND KEYNOTE SPEAKER

Keynote Speaker  
Dr. Fang Liu  
Secretary General, International Civil Aviation Organization, Montreal, Canada

1:30 p.m. – 2:45 p.m.  
AVIATION INFRASTRUCTURE – WILL THE TRUMP ADMINISTRATION’S INITIAL CLimb MAKE IT OVER THE WALL?

There is no dispute that the safe, secure and efficient air transportation of passengers and cargo is critical to our nation’s health and progress, and that modernizing the aging US national airspace system and airport infrastructure should be among the highest priorities for the US government and aviation industry. Over the past seven years, FAA has spent $7.5 billion in Congressionally-appropriated funds on the air traffic modernization program known as NextGen, with mixed results on the bang that the traveling public is getting for its buck. Upgrading the air traffic control system and aviation infrastructure not only requires substantial funding, but also involves extensive coordination among the various agencies to resolve increasingly complex (and potentially competing) uses of the airspace system, with the integration of civil drones into the national airspace system representing perhaps one of the greatest infrastructure challenges our nation has faced in decades. Security is another hot topic in the industry, particularly in light of recent executive actions purporting to address security concerns from certain areas of the world. In March 2017, the Trump Administration announced a ban on carrying electronic devices larger than a cellphone in the cabins of US-bound planes coming from eight Middle Eastern and African countries. In this context,

• What is the Trump Administration doing to deliver on the President’s ambitious infrastructure commitment?
• What can the US learn from others in Canada and elsewhere on infrastructure development?
• What are the smart steps forward to enhance security without undue disruption and inconvenience for passengers and airlines?

Moderator:  
Abby Bried  
Partner, Jenner & Block LLP, Chicago, IL

Panelists:

Angela Gittens,  
Director General, Airports Council International World

Kelly Ann Hicks  
Assistant Vice President, Contracting, Logistics & Fleet, Nav Canada, Ottawa, Canada

Christa Lucas  
Vice President, Government Affairs, National Business Aviation Association, Washington, D.C.

Zane O. Gresham  
Co-Director Airports + Aviation Morrison & Foerster LLP, Washington D.C.

Winsome Lenfert  
Deputy Associate Administrator, Airports Federal Aviation Administration, Washington, D.C.
2:50 p.m. – 3:50 p.m.  
**CHALLENGES OF SPACE LAW**

The private sector’s role in the exploration and exploitation of space continues to grow at a breathtaking pace, but nations play a vital role in defining the “rules of the road” for space that will both create and restrict commercial opportunities.

- The US Commercial Space Launch Competitiveness Act (CSLCA) was signed into law in November 2015 leading to a new stage in the US commercial space industry. Where are we nearly two years later? What are some of the key provisions and impacts on the US space launch industry, on the role of the FAA?
- Space Situational Awareness (SSA) is a vital tool for the protection of space assets, and inherently requires an international and collaborative approach. What efforts are being made on this issue in international fora such as the UN Committee on the Peaceful Uses of Outer Space (COPUS, and other fora?
- Emerging space activities and the potential involvement of the International Civil Aviation Organization (ICAO)

**Moderator:**

M. Lucy Stojak  
Director, Summer School on Management of Creativity & Innovation, HEC Montreal, Montreal, Canada

**Panelists:**

Christopher D. Johnson  
Space Law Advisor, Secure World Foundation, Washington, D.C.

Laura Montgomery  
Attorney and Proprietor, Ground Based Space Matters, LLC, Potomac, MD

Ram Jahku  
Associate Professor, Institute of Air and Space Law, McGill University, Montreal, Canada

Jiefang Huang  
Senior Legal Officer, International Civil Aviation Organization (ICAO), Montreal, Canada

3:50 p.m. – 4:05 p.m.  
**BREAK**

4:05 p.m. – 5:20 p.m.  
**PRECLEARANCE, SECURITY AND PASSENGER FACILITATION**

The typical air traveler will certainly appreciate from the ever-present security personnel at airports the vital role that governments serve in making travel safe. However, on closer inspection the mission of the governmental authorities is more wide-ranging, complicated and nuanced as they also seek to facilitate air travel by removing unnecessary impediments to the free flow of passengers and cargo, especially in the realm of international travel.

- Legal aspects of the preclearance program, the distinction and relationship between the customs and aviation security elements of preclearance, the basis for preclearance in US law, issues presented by international law
- An overview of the bilateral preclearance agreements in place
- Operational requirements for preclearance airports and approach for determining which airports are the best candidates to establish preclearance operations
- Legal aspects of US preclearance at Stockholm Arlanda Airport from the perspective of the Swedish and European legal and regulatory regimes
- Operational, management, economic and business decision-making aspects of establishing new US preclearance operations using Stockholm Arlanda Airport as a case study to identify from a Swedish perspective the costs and benefits of such international cooperation
- One-stop-security (OSS) concept, under which a State may accept aviation security measures carried out in another State, at least to the equivalent of its own security measures
- Passenger prescreening through TSA’s Secure Flight program, which identifies individuals on Government watch lists
Friday, September 15, 2017

7:00 am  
CONTINENTAL BREAKFAST

8:15 a.m. – 8:40 a.m.  
KEYNOTE SPEAKER  
Brian F. Havel  
Incoming Director of McGill University’s Institute of Air & Space Law

8:45 a.m. – 10:00 a.m.  
AIRLINE-CONSUMER RELATIONSHIPS IN THE AGE OF SOCIAL MEDIA: ARE WE SEEING A PARADIGM SHIFT?  
Airline/consumer relationships are governed by extensive contracts of carriage and pervasive government regulation. While many governments have endorsed de-regulation and allowing the marketplace to shape airline/consumer relationships, our headlines have been dominated by Congressional hearings on the state of airline service. Is this spike in attention a passing phenomenon, or is the pendulum shifting back toward regulation? How has the pervasive presence and use of social media shaped the discussion? Issues to be covered include:

• Service failures and service recovery: should air travel be treated differently than other modes of transportation?
• Differences in regulatory approach in the US, Canada and other countries

Matthew Vaughan  
Director, Aviation Security, International Air Transport Association, Montreal, Canada

Kevin Houlihan  
Assistant Chief Counsel for Transportation Security Litigation, Office of Chief Counsel, Transportation Security Administration, US Department of Homeland Security, Arlington, VA

5:30 pm  
RECEPTION
10:15 a.m. – 11:30 a.m.
HOW ARE LABOR AND MANAGEMENT GETTING ALONG NOWADAYS?

Labor unions have long flourished in the airline industry. The industry often experiences vigorous and sometimes contentious disagreements between management and labor, with disputes frequently playing out in a very public way. Could there be change in the air?

• International scope clauses and what they mean
• Atypical employment labor contracts in Europe and elsewhere
• How do unions and airlines work together to improve and streamline operations?
• Is there a global pilot shortage or a global aviation professional shortage?

Moderator:
J. Randall Babbitt
Former SVP Labor Relations, Southwest Airlines, Inc., former Administrator of the Federal Aviation Authority, and former President, Air Line Pilots Association, Reston, VA

Panelists:
Tim Canoll
President, Air Line Pilots Association, Washington, D.C.
Evan Cullen
President, Irish Airline Pilots Association, Dublin, Ireland
Aparna B. Joshi
Partner, O’Melveny & Myers LLP, Washington, D.C.
Jessica Kimbrough
Managing Director-Labor Relations & Legal Strategy, United Airlines, Chicago, IL
Sara Nelson
President, Association of Flight Attendants, Washington, D.C. (invited)

11:45 a.m. – 1:30 p.m.
LUNCHEON, KEYNOTE SPEAKER AND FORUM BUSINESS SESSION

Peter S. Greenberg
The “Travel Detective”

1:40 p.m. – 2:40 p.m.
LIABILITY ISSUES FACING THE AIRLINES, AIRCRAFT LESSOR/FINANCIERS AND ORIGINAL EQUIPMENT MANUFACTURERS

Aviation has long been a magnet for litigation, often of the most complex and challenging kind for attorneys and their clients. There is no reason to think that the past is not prologue. This panel will present a “360” view of potential liability issues from the perspectives of stakeholders across the industry, including:

• Liability issues stemming from leases and financing agreements, and aircraft transactions in the US and elsewhere
• The full range of aviation liability issues from the vantage points of airlines, lessors/financiers, original equipment manufacturers, insurers, again in the US and elsewhere
• Unique liability issues with outsourcing, airport facility and purchasing agreements, services and support in international operational areas that bring new liability considerations

Moderator:
Katherine Staton
Partner, Jackson Walker, Dallas, Texas

Panelists:
Stella Belivisi
Head of Legal & Compliance - General Counsel, Airbus Americas, Inc., Herndon, VA
Carlos Martins
Partner, Bersenas Jacobsen Chouest Thomson Blackburn LLP, Toronto, Canada
Kelli Walsh
Vice President & Counsel at GE Capital Aviation Services (GECAS), Norwalk, CT
Jeff Wittig
Sr. Counsel, Finance & Fleet, United Airlines, Inc., Houston, TX
Carol Forsyte
Executive Vice President, General Counsel, Corporate Secretary, Corporate Compliance Officer, Air Lease Corporation, Los Angeles, CA
ENVIRONMENTAL LAW PANEL

This panel of aviation legal experts will explore current issues in environmental law as they relate to aviation and will flesh out the prospects and ramifications of how crucial environmental questions are answered:

- Are Carbon Offsets and Global Market-Based Measures a viable path forward given the events of the past year?
- How will Brexit and the decision by President Trump to exit the Paris Agreement impact the commitments in the landmark 2016 ICAO agreement to mitigate aviation emissions?
- Whither biofuels?
- The intersection of technology and noise – are quieter and more efficient flight paths fueling noise complaints and creating opposition to quieter and more efficient flight paths?

Moderator:
Michael G. Whitaker
Aerospace Consultant and former Deputy Administrator, Federal Aviation Administration, Norwich, VT

Panelists:
Julie Oettinger
Managing Director, International and Regulatory, Delta Air Lines Inc. Hague, Netherlands

Conor McAuliffe
Managing Director, European Affairs, United Airlines Inc., Dublin, Ireland

Selma M. Lussenburg
Vice President, Governance, Corporate Safety & Security, General Counsel and Corporate Secretary, Greater Toronto Airports Authority, Toronto, Canada

Carl Burleson
Deputy Assistant Administrator, Policy, International Affairs, and Environment, Federal Aviation Administration, Washington, D.C.

GENERAL COUNSEL PANEL

The general counsel’s role in any organization has long been more than that of merely providing legal advice and legal services. Instead, the general counsel has long served as a key leader and executive providing counsel on the full gamut of legal, ethical and strategic issues confronted by organizations on a daily basis. In today’s world of ramped up governmental enforcement of mandates in many areas of the law, and where omnipresent smartphones can cause any customer incident to “go viral” with lightning speed -- creating enormous regulatory and reputational threats.

- the general counsel must now more than ever be an active participant in shaping the company’s culture and its responses at times of controversy. Topics to be covered include:
  - How does the general counsel ensure that a strong and effective corporate compliance policy is adopted, disseminated, refreshed as necessary, and actively monitored for the multiple laws and regulations, often across many nations, which govern the organization’s conduct? More specifically, how does the general counsel further promote the right compliance mind set and disposition throughout the organization?
  - How does the general counsel assure he/she is an active participant in formulating the organization’s crises responses and what tips do the panelists have for attorneys on the optimal way of formulating those responses?

Moderator:
Jeffrey N. Shane
General Counsel, International Air Transport Association, Montreal, Canada

Panelists:
David A. Berg
Senior Vice President & General Counsel, Airlines for America, Washington, DC

James G. Hnat
Executive Vice President of Corporate Affairs, General Counsel and Corporate Secretary, JetBlue, New York, N.Y.

Jim Miller
Director Legal and Regulatory Affairs, UPS Airlines, Louisville, KY

Michelle Johnson
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BREAK
1. CONFERENCE LOCATION: The conference will be held at the Omni Mont Royal, 1050 Sherbrooke West, Montreal, QC

2. HOTEL RESERVATIONS: To make your hotel reservations, please contact the hotel directly for availability at 514-284-1110. Please refer to the ABA Forum on Air and Space Law Conference when making a reservation. The Forum on Air and Space Law has negotiated special room rates beginning at $209 (CAD) per room. A 19.0% tax will be added. We have reserved a limited block of rooms until August 15, 2017 or the block has sold out. After this date, the hotel will accept reservations on a space available basis. All changes to and cancellations of hotel reservations must be made 24 hours prior to your arrival date to avoid a one-night cancellation charge. Rooms will be available for check-in no later than 4:00 p.m. with a checkout time of Noon.

3. AIR TRAVEL: With ABA Egencia®, you can automatically obtain ABA negotiated airfare discounts for travel to the ABA Meetings. ABA Egencia enables you to purchase the best airfare at the time of booking, by providing you with the ability to search for and compare fares from virtually every airline serving the destination. Reservations with ABA Egencia can be made online or offline. For off-line reservations, call (877) 833-6285. ABA Egencia is available online to all ABA members. You may also share your email address with ABA on some carriers may also be obtained by purchasing your tickets under the ABA Discount Codes directly from the airline or through your travel agent.

4. MEETING REGISTRATION: To register for all programs and events described in this brochure, please visit our website at https://shop.americanbar.org/ebus/ABAEventsCalendar/EventDetails.aspx?productId=272754117 or you may mail or fax your completed form to the ABA Forum on Air & Space Law, 321 N. Clark Street, MS 16.2, REG AS1609 Chicago, IL 60654; fax 312-988-5850. Registrations that do not include payment information will not be processed. – DO NOT EMAIL credit card information to the ABA for security reasons. Confirmations will be emailed to you at the email address included in your ABA profile. In order to be included on the list of program attendees, you must register before September 1, 2017 (5:00 pm – CST). Onsite registration is available for those persons who miss the registration deadline. If you plan to register at the door, please call Dawn R. Holiday at 312-988-5660 to confirm that space is still available. Failure to call in advance may preclude admission for that event. Onsite registrants must pay the registration fees by check or credit card. Registration Fee: Includes admission to the 2-day conference, continental breakfast (s), coffee break (s), lunches, course materials (electronic) and the 2 cocktail receptions.

5. CANCELLATION: Registrants who are unable to attend the conference will receive a refund less a $100 administrative fee if written cancellation is received by September 1, 2017 (5:00 pm CST). Cancellations must be emailed to Dawn R. Holiday with a subject line indicating cancellation. No refunds will be granted after September 4, 2017. Substitutions are acceptable, or conference materials will be sent in lieu of a refund after the program. The ABA reserves the right to cancel any programs and assumes no responsibility for personal expenses (including lodging, transportation or meals).

6. CLE CREDIT: States typically decide whether a program qualifies for CLE credit in their jurisdiction 4-6 weeks after the program. ABA Egencia® is a subject-based accreditation program. Registrants who attend the conference will receive credit approval and CLE credit rounding rules. If the ABA approves the program for CLE credit in your state, visit www.americanbar.org/cle/mandatory_cle.html or contact Yasmin Koen@americanbar.org or 312-988-5853.

7. TAX DEDUCTION: For Education Purposes in the United States, an income tax deduction may be allowed for education expenses undertaken to maintain or improve professional skills. This includes registration, travel, meals and lodging subject to applicable limitations (see Treas. Reg.1.162-5: Coughlin v. Commissioner, 203 F.2d 307 (2d Cir.1953)).

8. AMERICANS WITH DISABILITIES ACT (ADA): If special arrangements are required for disabled individuals to attend this program, contact Dawn R. Holiday in writing by September 1, 2017 at the American Bar Association, 321 N. Clark St., Chicago, IL, 60654 or via email.

9. ATTIRE: Business Attire. For latest program information: Please visit the Forums website.

10. FINANCIAL HARDSHIP (SCHOLARSHIP): A limited number of scholarships to defray tuition expenses are available for qualifying attorneys at a 50% reduction in the course fees over $500. To request an application or receive additional information, please contact Dawn Holiday@americanbar.org. Please note that all scholarship applications must be received no later than 30 days prior to the program registration. To request information, contact Dawn R. Holiday via email.

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