



# The 23rd Annual National Institute on Aviation Litigation

June 8, 2017  
Wyndham Grand Chicago  
Chicago, IL

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Posted 6/6/17



# The 23rd Annual National Institute on Aviation Litigation

June 8, 2017 | Wyndham Grand Chicago | Chicago, IL

## Program Description

Join our distinguished faculty as they discuss current developments, including:

- Discovery in major aviation disasters
- UAS/Drones
- Cybersecurity in aviation cases
- Insurance and In-house counsel—Insights from the decision makers
- Pilot mental health—what can be done?
- Helicopter update—a conversation with OEM GCs

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Supervising Judge  
*Circuit Court of  
Cook County*

### Captain Charles Curreri

Senior Manager, Project  
Wingman  
*American Airlines*  
Fort Worth, Texas

### Patrick Keating

Partner  
*Roberts McGivney Zagotta*  
Chicago, IL

### Jonathan E. DeMay

Partner  
*Condon & Forsyth, LLP*  
New York, New York

### Allison R. Kendrick

Principal Senior Counsel  
*The Boeing Company*  
Renton, WA

### Diego Ferrer

Managing Deputy  
Commissioner, IT &  
Communications  
*Chicago Department of  
Aviation*  
Chicago, Illinois

### Phil Kibler

Head of Cyber Risk Consulting  
*AIG*  
Indianapolis, Indiana

### Lauren Lacey Haertlein

Director, Safety & Regulatory  
Affairs  
*General Aviation  
Manufacturers' Association*  
Washington, DC

### Michael S. Krzak

Partner  
*Clifford Law Offices*  
Chicago, Illinois

### Jeremy I. Hager

SVP and National Claims  
Manager  
*Marsh Aviation and Aerospace*  
New York, New York

### Douglas A. Latto

Partner  
*Speiser Krause*  
New York, New York

### Mike Henning

Assistant General Counsel  
*United Airlines*  
Houston, Texas

### Herman (Woody) Loepp

Assistant Vice President,  
*UAS Claims Manager*  
*Global Aerospace Inc.*  
Overland Park, KS

### Christopher S. Hickey

Partner  
*Fitzpatrick & Hunt, Pagano,  
Aubert, LLP*  
Los Angeles, California

### Ricardo Martinez-Cid

Partner  
*Podhurst Orseck*  
Miami, FL

### Mary Rose Hughes

Partner  
*Perkins Coie*  
Washington, DC

### Douglas McQueen

Of Counsel  
*Lewis Brisbois*  
Newark, NJ

### James W. Hunt

Partner  
*Fitzpatrick & Hunt, Pagano,  
Aubert LLP*  
Los Angeles, California

### Garrett Pendleton

Vice President  
*AIG Aerospace*  
Atlanta, GA

### Kevin Kalinich

Global Practice Leader, Global  
Cyber Insurance Solutions  
*AON Risk Solutions*  
Chicago, Illinois

### Daniel Ridlon

Counsel  
*Perkins Coie LLP*  
Seattle, WA

### James Rodriguez

Senior Counsel  
*Holland & Knight LLP*  
Washington, DC

### Brian J. Alexander

Partner  
*Kreindler & Kreindler LLP*  
New York, New York

### Jennifer Ambrose

Attorney-Advisor  
Team Lead  
*UAS Regulatory Policy and  
Outreach, Office of the  
General Counsel, FAA*  
Washington, DC

### Michael A. Bordera, USAF

Chief, Aviation and Admiralty  
Law Branch  
*Claims and Tort Litigation  
Division*  
*Air Force Legal Operations  
Agency (AFLOA/JACC)*  
Joint Base Andrews, Maryland

### Noreen Brogan, Esq.

Vice President – Airline Claim  
Manager  
*AIG Aerospace Insurance  
Services, Inc.*  
Atlanta, GA

### Scott A. Brooksby Co-Chair

Partner  
*Olson Brooksby PC*  
Portland, Oregon

### Armando Carlo III

Director, Insurance Litigation  
& Claims  
*The Boeing Company*  
Chicago, Illinois

### Christopher R. Christensen

Partner  
*Condon & Forsyth*  
New York, New York

# Faculty

## **Jeremy L. Ross**

Assistant General Counsel  
*Alaska Airlines*  
Seattle, Washington

## **Anne Marie Rybka**

Assistant Vice President  
Claims Attorney  
*Global Aerospace*  
Parsippany, New Jersey

## **John G. Sams**

Deputy General Counsel  
Litigation  
*Bell Helicopter Textron Inc.*  
Fort Worth, Texas

## **Michael B. Slade**

Partner  
*Kirkland & Ellis LLP*  
Chicago, Illinois

## **Timothy S. Tomasik Co-Chair**

Founding Member  
*Tomasik Kotin Kasserman LLC*  
Chicago, IL

## **Robert Torricella**

Partner  
*Torricella Law, PLLC*  
Coral Gables, Florida

## **Thomas J. Vargo**

Vice President-Senior Claims  
Specialist  
*XL Catlin*  
New York, New York

## **Marcin Weryk**

VP, Underwriting Manager  
Cyber & Technology  
*XL Catlin*  
New York, New York

## **Keith Williams**

Partner  
*Lanom & Williams*  
Lebanon, Tennessee

# Agenda

Thursday, June 8, 2017

8:00 a.m. **Registration**

8:25 a.m. **Opening Remarks**

Scott Brooksby, Christopher R. Christensen, Timothy S. Tomasik

8:30 a.m. **Helicopters: Insights from Manufacturer GCs**

Moderator: James W. Hunt

Speakers: Lauren Lacey Haertlein, John G. Sams

The FAA has approved new certification regulations for fixed wing aircraft (FAR Part 23), which offer many advantages. Attention is now focused on a similar modification of helicopter regulations (FAR Parts 27 and 29). The panel's discussion will focus on the status and significance of these changes.

9:30 a.m. **Discovery in Major Aviation Disasters**

Moderator: Keith Williams

Speakers: Michael S. Krzak, Douglas A. Latto, Ricardo Martinez-Cid, Michael B. Slade, Patrick Keating

The panel will discuss a potpourri of discovery issues in aviation cases and their practical implications. Topics will include:

- Where in the world should this case be pending? Jurisdictional discovery; Montreal Convention discovery and forum non conveniens discovery in foreign crash cases
- Seeing is believing, hearing is revealing: Discovery of CVR/DFDR – why Plaintiffs want it; why the defense doesn't want it to be disclosed; and what the procedure is to get it and use it
- Whose plane is it anyway? Apparent agency discovery in cases relating to regional air carriers and parent corporations; plaintiff and defense approaches to this issue
- Be careful what you post, they just might get it—Discovery issues relating to Facebook, Twitter, and other social media
- Should Aviation Safety Action Program Reports (“ASAP”), Flight Operations Quality Assurance (“FOQA”) and Line Operations Safety Assessment (“LOSA”) reports be discoverable in civil litigation?

10:30 a.m. **Break**

10:45 a.m. **Insights from the Decision Makers**

Moderator: Scott Brooksby

Speakers: Armando Carlo III, Noreen Brogan, Esq., Jeremy I. Hager, Mike Henning, Garrett Pendleton, Jeremy L. Ross, Anne Marie Rybka, Thomas J. Vargo

Dramatic changes in technology, rising demand from an increasingly diverse flying public, cultural and procedural shifts in aviation accident investigation, and the new federal discovery proportionality rule, to name a few, are all contributing to changes in aviation litigation. However, none of those changes diminished the importance of the process by which outside counsel are chosen and the relationship between outside counsel and in-house counsel and insurers is developed. One of the most important routes to a successful outcome in any aviation case is the ability of outside counsel to develop collaborative relationships with in-house counsel and insurers who are the ultimate decision makers. Our impressive panel of in-house counsel and insurers will share their insights on outside counsel selection and relationship building. Our corporate counsel panelists will share insights on the business implications of litigation and how outside counsel should take those into consideration. Our insurance counsel will also provide insights on their expectations for working with insureds, often in stressful situations, and the insurer's expectations for developing productive dual relationships.

12:15 p.m. **Lunch**

# Agenda

12:30 p.m. **Keynote Speaker: Navigating Complex Case Management, Discovery, and Motions in the Circuit Court of Cook County**  
Kathy M. Flanagan, Supervising Judge, Circuit Court of Cook County

1:00 p.m. **Unmanned Aircraft Systems (Better Known as Drones): The Challenges and Opportunities from Various Perspectives— Industry, Regulatory and Legal, and Insurance**  
Moderator: Mary Rose Hughes

**Speakers:** Jennifer Ambrose, Allison R. Kendrick, Daniel Ridlon, Herman (Woody) Loepp

Perhaps no area of the aviation regulatory regime has changed as rapidly as those affecting drones. This panel will take a look at the current regulatory and legal environment and discuss what they see on the horizon.

2:00 p.m. **Flight Crew Mental Health Issues Including Pilot Depression and Suicide: What Can Be Done?**  
Moderator: Brian J. Alexander

**Speakers:** Scott A. Brooksby, Charles S. Curreri, Douglas McQueen

Mental health problems are pervasive in today's world. According to the CDC, suicide is the tenth leading cause of death and claims over 43,000 lives. Pilot mental fitness is a critical aspect of aviation safety. As Jet Blue Founder and former CEO David Neeleman suggested, "Nobody ever thought about having to protect the passengers from the pilots." In the wake of the tragic circumstances surrounding Germanwings 9525 and MH370, the FAA chartered the Pilot Mental Fitness Aviation Rulemaking Committee, which released its report in November 2015. But mental health issues are complex, and no system of detection, voluntary or outside reporting is perfect. This panel will examine the circumstances in Germanwings 9525 and other notable incidents suggesting an uptick in pilot mental fitness-related incidents in the last two decades. The panel will also explore the issues surrounding the current system of pilot mental health from the perspectives of the flying public, the airlines, the regulators, and pilots.

3:00 p.m. **Break**

3:15 p.m. **Cyber Risk: What You Need to Know to Mitigate the Risk of a Network Breach in a Rapidly Evolving Threat Environment**  
Moderator: Jonathan E. DeMay

**Speakers:** Diego Ferrer, Kevin Kalinich, Philip Kibler, Marcin Weryk

Aviation entities increasingly collect and process staggering amounts of data to improve the customer experience and sales, and to increase operational efficiencies and safety. This panel will provide an overview of cyber-related issues impacting airlines, aircraft and engine manufacturers, and their insurers with a focus on identifying cyber risk, employing best practices to mitigate cyber risk, reducing the exposure arising from a cyber-breach, and insuring against such risk in a rapidly evolving threat environment.

# Agenda

4:15 p.m.

## **Parallel Investigations by Civil, Military and Criminal Authorities in the U.S. and Abroad**

**Moderator:** Christopher S. Hickey

**Speakers:** Michael A. Bordera, James Rodriguez, Robert Torricella

The panel will address the authorities under which U.S. military and civil aircraft accident investigations occur and comparable legal regimes in foreign countries. Panel members will discuss and compare the levels of coordination between military and civil authorities—domestically and internationally—in situations that may lead to parallel military, civil and criminal investigations. Finally, the panel will address practical implications for litigators seeking information, and provide lessons from the F16/Cessna mid-air collision in Moncks Corner, South Carolina, and the mid-air collision between the Gol Airlines 737 aircraft and ExcelAire Legacy jet in the Amazon region of Brazil.

5:15 p.m.

## **Closing Remarks**

5:20 p.m.

## **Adjourn**

**Join us for a cocktail reception immediately following the program at the River Room in the Wyndham.**

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## Step 1: Registration Rates

	Early Bird Rate	Advance Rate April 12, 2017	Standard Rate May 11, 2017
General Public	\$650	\$730	\$750
ABA Members	\$560	\$635	\$690
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## Hotel Deadline: Wednesday May 17, 2017

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