As the U.S. airline industry continues to struggle against the impact of the coronavirus and COVID-19 (see below), industry lawyers are playing an important advisory role for their clients, navigating a host of legal, regulatory, and financial challenges no one saw coming at the start of this year. In this issue, United Airlines’ Bob Rivkin, senior vice president and general counsel, provides his unique insights into helping his company execute on its evolving efforts to survive the longest-lasting exogenous shock the industry has experienced in modern times—if not its entire history. Our interview with Rivkin follows on last issue’s interview with Southwest Airlines’ Mark Shaw.

This A&SL issue focuses on developing technologies and associated legal and policy issues. First up, a pair of point-counterpoint articles debate whether the Tort Law Relating to Drones Act being developed by the Uniform Laws Commission should define the tort of trespass by following the aerial trespass doctrine, which requires substantial interference with the use and enjoyment of property to establish the tort when a drone overflies another’s property, or by following the historical, strict-liability common law doctrine, which merely requires a showing of unauthorized entry onto (in this case, over) another’s property. Josh Turner and Sara Baxenberg, and Professor Ronnie Gipson Jr. illuminate the background and underlying legal principles fueling this debate.

What does the future hold for personal modes of air transport, and does the current regulatory structure allow urban air mobility concepts to develop and come to market? Jeff Immel and Alex Langlinais look at some of the challenges facing innovation and commercialization of this futuristic concept for passenger and cargo air transport. Rounding out this issue’s substantive articles is a fascinating review by Chris Johnson of the legal and regulatory sources supporting the United States’ reinvigorated interest in space exploration and the use of space resources. This is an excellent piece for those of us not involved in space law on a daily basis. In addition to the substantive articles, Dean Griffith and Kelli Hooke highlight recent activities of the Forum’s Drone Law Committee. If you are interested in drone law, contact Dean or Kelli to get involved in the Committee.

In these extraordinary times, it is important to recognize the industry context in which we operate as lawyers. While there has been some improvement since the spring, true recovery for U.S. airlines remains distant. According to Airlines for America, as of July 27, 2020, 17 airlines worldwide have been forced to restructure or cease operations, including four U.S. airlines. For the week ending July 19, U.S. airline domestic passenger volumes remained down 75 percent over the prior year, averaging just 54 passengers per flight on drastically reduced schedules. Net booked revenue was down 91 percent year-over-year, and approximately 1,900 aircraft—31 percent of the domestic fleet—were idled. The knock-on effects for airports, manufacturers, maintenance, and service providers have been equally devastating. For individual companies to survive, Forum members, both outside counsel and in-house, must provide informed advice tailored to their clients’ needs while understanding the broader legal and policy implications of the current and future state of the industry. These are challenging times for all, and The Air & Space Lawyer, together with the Forum, is here to support its members as much as possible.

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