



Editor's Column

Welcome to the final issue of *The Air & Space Lawyer* for 2020, the year that, for many of us, simply can't end soon enough. If you are like me, you are ready to turn the page and start afresh in 2021, with all the inchoate promise a new year brings. In my previous two columns, I provided data regarding the impact of the coronavirus pandemic on U.S. airlines and the aviation sector. I have not repeated that exercise here. As aviation professionals, you know that the sector continues to be challenged mightily. Let 2021 be a better year for all of us.

Before we get to 2021, however, we have this issue to enjoy. We start with a terrific article from Bruce McDonald and Mackenzie Rastello that examines the unsuccessful antitrust case brought by the Department of Justice to block the acquisition of Farelogix, a provider to airlines of direct connect distribution services, by Sabre, one of the three leading global distribution systems. The article also reviews the successful outcome of the parallel case to block the merger brought by the U.K.'s Competition and Market Authority. The authors conclude with some thoughts about what the future holds for airline distribution services.

Next is an article examining the risk that two new federal rules pose to the doctrine protecting common carriers from liability for the legality of the goods they carry. This common carrier doctrine is important to all commercial transportation modes, including airlines. One rule at issue is an interim final rule required by the 2018 Farm Bill regarding the interstate carriage of hemp, and the other is a proposed rule issued by the Commerce Department regarding the security of information and communications technology and services. The issue is further complicated by an Idaho enforcement action

currently pending in the Ninth Circuit. Author Sophie Hayashi walks us through this emerging issue.

Should service members from military branches other than the Air Force be authorized to fill out the ranks of the U.S. Space Force? That is the topic of a thoughtful and informative opinion piece by Major Brian D. Green (USAF), who examines the statutory background of the Space Force—established by Congress within the Department of the Air Force. Major Green considers how best to staff the Space Force going forward to achieve its goals effectively and efficiently.

Our third feature article addresses the complexities of initiating a bid protest of a federal agency space-launch contract award or solicitation. Co-authors Danielle Muenzfeld and Daniel Straus provide a comprehensive overview of the bid protest process and the many factors to consider when deciding if, and where, a protest should be filed. They illustrate these considerations by discussing three recent cases.

Finally, I asked Abby Bried and Jamie Rodriguez, co-chairs of the Forum's Diversity and Inclusion Committee, to provide an overview of the Committee's goals and activities. The D&I Committee offers participation opportunities for Forum members and serves as a focal point for advancing diversity and inclusion within both the Forum and the broader ABA. Abby and Jamie also provide useful resource information. I urge you to read this article and consider actively engaging with the Committee and following up on the information they provide.

I look forward to seeing you in 2021.

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Editor in Chief

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