



**Ninth Annual  
McGill University/PEOPIL  
CONFERENCE ON  
INTERNATIONAL AVIATION LAW  
& INSURANCE**

at

**The Hub - Edinburgh's Festival Centre  
Castlehill  
Edinburgh, Scotland**

**20 May, 2016**

Organized by

**The McGill University Institute of Air & Space Law**

&

**PEOPIL (Pan-European Organisation of Personal Injury Lawyers)**

**THIS EVENT BRINGS TOGETHER WORLD-LEADING AVIATION LIABILITY AND INSURANCE EXPERTS TO ADDRESS THE FOLLOWING TOPICS:**

- **RECENT DEVELOPMENTS IN AVIATION LIABILITY AND INSURANCE**
- **COMPARATIVE JURISPRUDENCE UNDER THE WARSAW SYSTEM AND THE MONTREAL CONVENTION OF 1999**
- **JURISDICTION & FORUM NON CONVENIENS**
- **LIABILITY OF AIRLINES, AIRPORTS, LESSORS, MANUFACTURERS, MAINTENANCE PROVIDERS & ANSPs**
- **CHALLENGES OF SETTLEMENT**

# FRIDAY – 20 MAY 2016

## PROGRAM & DINNER

### Location:

The Hub - Edinburgh's Festival Centre  
Castlehill, Edinburgh

8:00 – 9:00

REGISTRATION

9:00 – 10:15

## Air Carrier Liability

- Recent Warsaw and Montreal Convention Interpretations
- Recoverable Damages
- Conflicts Between U.S. and European Courts
- The Challenges of Achieving Global Uniformity
- A Comparative Analysis of “Thorny” Issues under the Montreal Convention, including:
  - Liability for Pre-Impact Fright in a Death Case
  - If there is no Article 33 Jurisdiction of the Passenger’s Claim against the Airline, will the Manufacturer’s Contribution Claim against the Airline also be barred by Article 33?
  - Airline Liability for Injuries to Passengers Resulting from the Actions of Other Passengers.
  - Comparative Fault and Multiple Defendants

**Chair:** Alan Reitzfeld – Holland & Knight, New York, USA

### Speakers:

Simon Balls – Kennedys, London, UK

Robert F. Hedrick - Aviation Law Group PS, Seattle, USA

Anna Masutti - Lexjus Sinacta, Milan - Bologna, Italy

Joseph Wheeler - International Aerospace Law & Policy Group and Maurice Blackburn Lawyers, Brisbane, Australia

### Refreshment Break

10:45 – 12:00

## Jurisdiction & Venue

- Which forum is best for the plaintiffs/defendants?
- How to pick and choose among the venues of carriers, manufacturers, and others?

- Is the fifth jurisdiction of the Montreal Convention being used more often?
- Forum Non Conveniens –*West Caribbean Airways & Bashkirian* case updates
- What are the recent developments in *forum non conveniens*, and when does it work well, or work poorly?

**Chair:** Prof. Anna Konert – Lazarski University, and K&K Aviation Lawyers, Warsaw, Poland

**Speakers:**

Sophie Cochery – HMN & Partners, Paris, France  
 Stratis Georgilas – G-H Chambers, Athens, Greece  
 Rob Lawson QC – Quadrant Chambers, London, UK  
 Laura M. Safran, QC – DLA Piper, Calgary, Canada

12:00 – 13:00

**Lunch**

13:00 – 14:00

**Products Liability**

- Recoverable Damages
- The Conflict Between North American and European Courts
- TCAS, Autopilot and Automation
- Will we see more use of the Hague Convention on Products Liability?
- Is there Liability Exposure for Foul Cabin Air and Radiation?

**Chair:** Heather C. Devine – Gowling Lafleur Henderson LLP, Hamilton, Canada

**Speakers:**

Jean-Michel Fobe – Sybarius Advocats, Brussels, Belgium  
 Michael Scoville – Perkins Coie LLP, Seattle, USA  
 Philip Shepherd – XXIV Barristers’ Chambers, London, UK  
 Éric Vallières – McMillan LLP, Montreal, Canada

14:00 – 15:00

**Liability of Airports, ANSPs, Lessors and Maintenance Providers**

- Latest and forecasted developments in the air navigation services (such as RPAS, remote towers and virtual infrastructures) and their impact on the liability of service providers
  - The national liability regime (including case law) applicable to airport operators - a national perspective: Swiss law, and selected other European countries
  - The performance of national public law tasks by airport operators
  - The application of the national liability legislation to airport operators

- The contractual liability of the airport operator:
  - vis-à-vis the public authority, as the airport land owner who granted the airport operator the concession contract (whether operated by a public or a private operator, the airport always remains a public asset that requires public service/general interest obligations)
  - vis-à-vis its various contractual counterparts (including airlines, groundhandlers, retailers, security and safety providers, etc.)
- The lessor and manufacturer liability, latest developments

**Chair:** Axelle Cartier - Joint Aviation Authorities-Training Organisation (JAA-TO), Hoofddorp, The Netherlands

**Speakers:**

Isabelle Lelieur - VINCI Airports, Paris, France

Prof. Francis Schubert - Skyguide, Genève, Switzerland

Dr. Julien Subilia - AVIALEGAL, counsel, attorney-at-law, Lausanne, Switzerland

**15:00 - 15:30**

**REFRESHMENT BREAK**

**15:30 - 17:00**

## **Difficulties of Settlement & Emerging Insurance Issues**

- The Challenges of State Liability: A look at KAL 007, Lockerbie, the September 11, 2001 U.S. terror attacks, MH 17 and Cuban Brothers to the Rescue
- Insurance for Acts of Terrorism and Conflict Zones
- A look at MH 370
- Difficulties Imposed by Sanctions and International Trade Controls
- The new Model AVN 1D
- Insuring UAVs (Unmanned Aerial Vehicles, or RPAS, Remotely Piloted Aircraft Systems)
- Cyber Security Issues

**Chair:** Kinga Kolasa-Sokołowska - THB Polska, Warsaw, Poland

**Panelists:**

Mitch Baumeister - Baumeister & Samuels, P.C., New York, USA

Qian Chen -Jingtian Law Firm, Shenzhen, China

Andrew Harakas - Clyde & Co, New York, USA

Russell M. Mirabile -XL Catlin, New York, USA

Richard A. Powell - AIG, London, UK

**18:00 - 19:30 Gala Dinner**



**REGISTRATION FORM**

**Pan-European Organisation of Personal Injury Lawyers  
&  
McGill University Institute and Centre for Air & Space Law**

**CONFERENCE ON INTERNATIONAL AVIATION LAW & INSURANCE**

**Edinburgh, Scotland  
19-20 May 2016**

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**INCLUSIVE OF:** one day seminar, lunch and coffee breaks, and a Gala Dinner.

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<b>Students, government, academics, and PEOPIL Young Lawyers Section members</b>		<b>@ £145</b>	

\* Members of PEOPIL, the European Aviation Club, and graduates of McGill University enjoy a £40 discount off of these rate categories.

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