



The 13th Annual
McGill University/Pan-European
Organisation for Personal Injury Lawyers
Conference

**INTERNATIONAL AVIATION:
LIABILITY, INSURANCE & FINANCE**

21-22 April 2023

Paris, France



**The 13th Annual
McGill University/PEOPIL
Conference on
INTERNATIONAL AVIATION:
LIABILITY, INSURANCE & FINANCE
21-22 April 2023**



Les Salons Hoche

9 Av Hoche,
75008 Paris
France

This event brings together world-leading aviation liability, insurance and finance experts to address, *inter alia*, the following topics:

- **Recent Developments in Aviation Liability**
- **Air Carrier Passenger Liability and Comparative Jurisprudence Under the Warsaw System and the Montreal Convention of 1999**
- **Products Liability of Manufacturers of Aircraft, Engines and Component Parts**
- **Liability of Airports and ANSPs**
- **Air Cargo Liability**
- **Governmental Liability for Aviation Accidents and Acts of Terrorism**
- **Litigation Strategy: Procedural Tools**
- **Damages: Economic and Non-Economic**
- **Consumer Protection Regulation and Litigation**
- **Aircraft Leasing and Finance**
- **The Challenges of Settlement and Emerging Insurance Issues**
- **The Impact of Communicable Diseases on the Airline and Hospitality Industries**
- **Drones – Safety, Security and Liability**
- **French Language Breakout Session on Contemporary Issues in EU Law**

In addition, the conference will host two luncheons and a reception/dinner-dance to facilitate networking among attorneys, insurers, air carriers, manufacturers and government representatives.

This is the thirteenth annual McGill/PEOPIL Conference on International Aviation Liability, Insurance & Finance

Prior Conferences have been held in:

**Amsterdam
Dublin
Edinburgh
London
Montreal
&
Toulouse**



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PROGRAM

Friday April 21

7:30 – 8:45

Registration

8:45 – 9:00

Welcoming Remarks

Prof. Dr. Donal Hanley – McGill University, Montreal

Ana Romero – PEOPII, Cremades & Calvo-Sotelo, Málaga

9:00 – 10:00

Recent Developments in Aviation Liability

- Comparative analysis of recent Warsaw and Montreal Convention jurisprudence
- Recent aviation disaster litigation
- Impact of COVID and other communicable diseases on aviation and related travel industries
- Conflicts between U.S. and European courts
- The challenges of achieving a desirable level of global uniformity

Chair:

Prof. Emeritus Dr. Paul Stephen Dempsey – McGill University, Montreal

Panelists:

Vonnick Le Guillou – DLA Piper, Paris

Robert Clifford – Clifford Law Firm, Chicago

Andrew Harakas – Clyde & Co, New York

David Short – Balfour+Manson, Edinburgh



10:00 – 11:30

Liability of Manufacturers of Aircraft, Engines and Component Parts

- The Boeing MAX litigation
- Assessing the Lion Air and Ethiopian Airlines accidents
- TCAS, autopilot and automation
- Does/should government certification preempt tort claims and criminal liability?
- International reciprocity of certification
- Will we see more use of the Hague Convention on Products Liability?
- Is there liability for exposure to toxic fumes and radiation in commercial aircraft?
- What is the liability for the use of counterfeit parts?

Chair:

Mark Harvey – Hugh James, Cardiff/London

Panelists:

Karl Hennessee – Airbus, Toulouse

Christopher M. Odell – Arnold & Porter, Houston

Steven Marks – Podhurst Orseck, Miami

Carlos Villacorta Salís – BCV Lex, Madrid

11:30 – 11:50

Refreshment Break

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11:50 – 12:50

Liability of Governments for Aviation Accidents and Acts of Terrorism

- Sovereign Immunity
- The U.S. Foreign Sovereign Immunities Act and the Federal Tort Claims Act
- The U.S. Justice Against Sponsors of Terrorism Act
- What will be the liability exposure of the U.S. should other nations enact reciprocal legislation?
- A look at KAL 007, Pan Am 103, the September 11, 2001, terror attacks, MH 17, Cuban Brothers to the Rescue, Iran Air 655, Ukraine Airlines 752
- Approach of different jurisdictions to the applicability of criminal prosecutions in the context of aviation disasters
- Criminal prosecution for the destruction of MH-17
- Will Saudi Arabia accept responsibility for September 11 the way Libya did for Pan Am 103?
- Military accidents and State aircraft issues

Chair:

Prof. Dr. Ulrich Jeinsen – Göhmann Lawyers, Hannover

Panelists:

Megan Wolfe Benett – Kreindler & Kreindler, New York

Thea Capone – Baumeister & Samuels, New York

P. Nikolai Ehlers – Ehlers, Ehlers & Partner, Munich

Anthony T. Laleye – Tayo Laleye & Co., Lagos

12:50 – 14:10

Lunch

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Keynote Address

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14:10 – 15:10

Liability of Airports and ANSPs

- Airport operation risks, liability and insurance programs
- Challenges facing the modern airport, airport services and air navigation providers
- A new form of liability for airport operators: ethics and compliance
- Ground-handling liability and insurance
- Safety and security issues posed by drones

Chair:

Isabelle Lelieur – Lelieur Avocat, Paris

Panelists:

Isabelle Chiesa – Aéroport de Paris, Paris

Milán Kohlrusz – Bittera Kohlrusz & Tóth, Budapest

Laura Pierallini – Studio Pierallini, Rome

Sébastien Saillard – Allianz Global Corporate & Specialty, Paris

15:10 – 16:30

Litigation Strategy: *Procedural Tools*

- Strategy in choosing venue, including choice of law, available damages and access to witnesses and evidence
- Strategic use of potential challenges to jurisdiction, including *forum non conveniens*, removal to Federal Court and Montreal Convention restrictions
- Discovery and evidentiary issues, including admissibility of government investigations and criminal proceedings
- Advantages, disadvantages and special issues in class action suits and multidistrict litigation
- Trial considerations: time to trial, cost, strategy and judge or jury trials
- Appeals
- Alternative Dispute Resolution

Chair:

Michael P. Carbone, JetBlue Airways Corporation, New York

Panelists:

Stephan Eriksson – Astra Advokater, Stockholm

Peng Lim – Liberty Specialty Markets, London

Judy R. Nemsick – Holland & Knight LLP, New York

Sarah Stewart – Stewarts, London

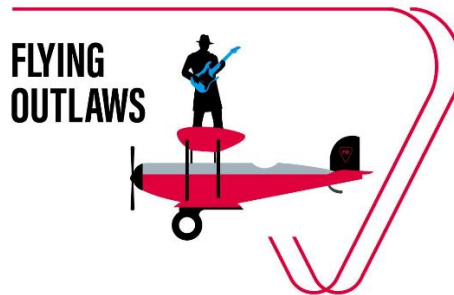
18:00 – 21:30

Gala Reception

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Followed by Dinner/Dance

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*Dance to the classic rock music performed by **The Flying Outlaws**, comprised of the following international aviation lawyers:*

Paul Stephen Dempsey – Golden, Colorado, U.S.

Steven Marks – Miami, U.S.

Urban Olson – Stockholm, Sweden

Alan Reitzfeld – New York, U.S.

Louise-Hélène Sénécal – Montreal, Canada



Saturday April 22

9:30-10:30

Air Carrier Passenger Liability

- Review of recent court decisions on what constitutes accident and bodily injury
- Recovery for emotional and mental injuries
- Liability of passengers for incidents involving items/baggage falling out of overhead bins
- Medical emergencies in flight
- Review of recent court decisions on the scope of embarkation and disembarkation
- Liability for passenger-to-passenger assaults?
- Liability for occurrences that are not related to the operation of the aircraft
- Liability exposure of crew and/or air marshals who subdue an unruly passenger
- Impact of Montreal Protocol of 2014, which amends the Tokyo Convention of 1963, on liability issues surrounding unruly and disruptive passengers

Chair:

Axelle Cartier – Aviation Consultant, Amsterdam

Panelists:

Jean-Michel Fobe – Eutralex Srl, Brussels

Sharon Holahan – Global Aerospace Inc., Morris Plains

Urban Olson – Advokatfirman Urban Olson, Stockholm

Darryl G. Pankratz – Alexander Holburn Beaudin + Lang LLP, Vancouver

10:30-11:30

Cargo Logistics and Liability in a Multimodal Environment

- From aircraft to road and sea: the changing nature of multimodal cargo logistics
- Contractual issues in the supply chain particularly with indemnities, litigation support, document availability and investigations involving several service partners and modal operators
- The drive to data and transparency in a multimodal logistical supply chain: what does the future look like?
- Key international and domestic cargo cases

Chair:

Prof. Dr. George Leloudas – Swansea University, Swansea

Panelists:

Nina Heinz – A.P.Moller-Maersk, Paris

Sigrid Preissl – Bourayne & Preissl, Paris

Dan Soffin – Solicitor, Senior Courts of England and Wales; Attorney, New York

11:30-11:50

Refreshment Break

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11:50 -12:50

Government Regulation: *Health, Safety and Consumer Protection*

- COVID and its mutations
- Mandated vaccines for employees and passengers
- Applicability of EU regulation 261/2004 to non-EU carriers
- Update on the “extraordinary circumstances” defense under EU law
- Regulation of UAVs
- The conflict between privacy and technology

Chair:

Prof. Dr. Brian Havel – McGill University, Montreal

Panelists:

Katja H. Brecke – Arnecke Sibeth Dabelstein, Frankfurt

Martine De Serres – Air Canada, Montreal

Stephanie Rostren – European Union Aviation Safety Agency, Köln

Prof. Dr. Steven Truxal – Leiden University, Leiden

12:50 -14:00

Lunch

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Keynote Address

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14:00 – 15:00

Aircraft Leasing and Finance

- Monitoring the Cape Town Convention – scoring compliance by member States
- The future of export credit and finance
- Expunging clogs in the title and other interventions: how the Irish High Court keeps watch on the Cape Town international registry
- Is the global aircraft trading system making a difference for aircraft lessees?
- A review of recent cases of enforcement of lessors' and financiers' rights and how lessors and financiers can draft provisions to help protect themselves
- Seizure and nationalization of foreign aircraft
- Sanctions

Chair:

Prof. Dr. Donal Hanley – McGill University, Montreal

Panelists:

David Bartlett – Apollo | PK AirFinance, Luxembourg

Séamus Ó Cróinín – A&L Goodbody, Dublin

Nitin Sarin – Sarin & Co., Chandigarh

Serap Zuvin – Cakmak Law, Istanbul



15:00 – 16:00

Damages: Economic and Non-Economic

- Damage limitations under International Conventions and National law
- Economic damages: medical expenses, loss of income, loss of earning capacity, etc.
- Non-Economic damages: pain and suffering, loss of enjoyment of life, loss of love and affection, loss of consortium and guidance, etc.
- Punitive damages
- Present value and interest issues
- Comparative fault and joint liability
- Use of experts

Chair:

Prof. Dr. Anna Konert – Lazarski University, Warsaw

Panelists:

Luiz Eduardo Arena Alvarez – Arena Alvarez Advogados, Sao Paulo

Anna Anatolitou – Ince Gordon Dadds, London

Stuart R. Fraenkel – Nelson & Fraenkel, Los Angeles

Ulla Norrhäll– Munich Re, Munich

16:00 – 17:00

Settlement Negotiation and Emerging Insurance Issues

- Multi-jurisdictional settlements in complex international aviation litigation against multiple tortfeasors
- Thinking outside the settlement box: timing, discovery, mediation and choice of law
- Settlement/Payment difficulties due to sanctions and international trade controls
- Use of “Structured Settlements”
- Emerging insurance issues (e.g., acts of terrorism, conflict zones, missing commercial aircraft, cyber security, coronavirus)

Chair:

Alan Reitzfeld – Retired Senior Partner, Holland & Knight LLP, New York

Panelists:

Catherine Chaput – Gasco Goodhue St.-Germain, Montreal

Robert Hedrick – Aviation Law Group, Seattle

Sophie Moysan – La Réunion Aérienne/La Réunion Spatiale, Paris

Louise-Hélène Sénécal – Air Canada, Montreal

17:00 – 18:00

Contemporary Issues in EU Law (French Language Breakout Session)

Chair:

Lionel Bros – Air France, Paris

Panelists:

Prof. Dr. Philippe Delebeque – Université Paris 1 Panthéon-Sorbonne, Paris

Solenn Le Tutour – Le Tutour Avocats, Paris

Dr. Arlette Tanga – Université Paris 1 Panthéon-Sorbonne, Paris

[The McGill University Institute of Air & Space Law Alumni meeting precedes the Conference.]



CONFERENCE INFORMATION

Passport/Visa Information: If you are visiting France, a valid passport is generally required. It is the responsibility of the visitor, before entering France, to ensure possession of the necessary documents, including those required to enter France or re-enter his/her own country. Also, registrants may need to show proof of COVID vaccination or testing prior to travel to or from France.

For the latest programme information: Visit the McGill website at <https://www.mcgill.ca/iasl> or the PEOPIL website at <https://peopil.com/>

Sponsorship Liaison:

Ms. Maria D'Amico

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REGISTRATION

REGISTRATION FEE

Registration fee includes admission to the 21-22 April program, refreshments, luncheons, reception and gala dinner-dance.

All amounts below are stated in Euros:

TYPE OF REGISTRATION	EARLY BIRD BEFORE JANUARY 31, 2023	REGULAR AFTER JANUARY 31, 2023
Delegates (includes Gala dinner)	€ 700	€ 750
Speakers, Government, Academics and PEOPIL 1- 5 PQE members (includes Gala dinner)	€ 450	€ 500
Students* (does not include Gala dinner) *Full time University level	€ 250	€ 300
Gala dinner only (for additional guests and students)	€ 150	€ 150

Terms and conditions:

This booking form constitutes a legally binding document.

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REGISTER ONLINE AT:

<https://www.peopil.com/conferences/international-aviation-april-2023/>

The Pan European Organization of Personal Injury Lawyers (PEOPIL)

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PLEASE NOTE:

Accommodation is not included in this package and McGill/PEOPIL are not responsible for hotel reservations.

