

THE FORUM ON  
AIR & SPACE LAW



The American Bar Association



*2008 Washington  
Update Conference*

January 31, 2008  
Ritz-Carlton Hotel, Washington, DC



# Dear Colleagues:



*The aerospace industry faces huge challenges in the next few years. How will the United States address the needs of this growing and diverse industry, consistent with market principles and environmental sustainability? In what direction will a new Administration want to go — whatever the presidential election result? And speaking of the environment, what new liability risks does global warming present?*

*We have put together a great conference to address these and other issues.*

*We'll have four distinguished General Counsels from key industry players will tell us what's keeping them up at night. We expect a lively exchange as they debate issues confronting their companies from their unique perches.*

*Speaking of managing legal risk, you've probably read about American Airlines v. Google. What is that case really about? Our litigation and insurance panel will bring you up to speed on that litigation and its impact on the industry, as well as other questions being debated in court. Rod Margo — who wrote the textbook on aviation insurance — will tell us what to expect about coming changes.*

*As always, we'll hear from colleagues working in and with the Congress. They will give us insight into what we can expect from Washington in the next year or so, especially in the area of airspace congestion, delays, and consumer dissatisfaction.*

*Pioneering entrepreneurs give lawyers a chance to show their creativity. In our industry, commercial space is where the pioneers are today. We have put together an exciting group to focus on legal and regulatory challenges in that industry. We are pleased to include among our panelists two entrepreneurs — Tim Hughes of SpaceX and Marc Holzapfel of Virgin Galactic — to discuss the pros and cons of government involvement in their industry.*

*Regardless of outcome, the 2008 elections will result in personnel changes. What are the professional responsibilities of a lawyer who leaves a government job, whether from the Hill or the Administration? What constraints and responsibilities do potential employers have? Our panel on ethics will review those so-called "revolving-door" issues. We are honored to have Professor Lisa Roy of the University of Mississippi, who will address these rules from the perspective of the ABA's Model Rules of Professional Conduct. Other panelists will review the additional questions facing lawyers who leave the executive and legislative branches.*

*Please join us on January 31 and bring lots of questions.*

**Pat Snyder**  
Program Chair  
Troutman Sanders LLP

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# 2008 Update Conference Program Schedule



## Thursday, January 31, 2008

7:00 am – 8:00 am

### REGISTRATION AND CONTINENTAL BREAKFAST

8:00 am

### WELCOME

8:15 - 8:45 am

### KEYNOTE ADDRESS

9:00 – 10:30 am

### WASHINGTON UPDATE

A review of current policy issues in the legislative and regulatory process. Where are we on air traffic control modernization and funding? Is there a short-term solution to congestion in New York and other places in the United States? What should the government's role be in resolving airspace conflicts? This panel brings together staff from DOT and FAA, the Hill, and industry to discuss the political state of play.

#### Moderator:

**Charles A. Hunnicutt**  
*Troutman Sanders LLP*

#### Panelists:

**Rebecca G. Cox**  
*Senior Vice President, Government Affairs, Continental Airlines*

**D.J. Gribbin**  
*General Counsel, U.S. Department of Transportation*

**David Heymsfeld**  
*Chief of Staff, House Transportation and Infrastructure Committee*

**Deborah Costolo McElroy**  
*Senior Vice President, Government Affairs  
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**Lisa Piccione**  
*Senior Vice President, Government Affairs, National Business Aviation Association*

**Megan Rae Rosia**  
*Assistant Administrator for Government and Industry Affairs,  
Federal Aviation Administration*

**Jarrod D. Thompson**  
*Professional Staff Member, Subcommittee on Aviation  
Operations, Safety and Security Senate Commerce, Science, and  
Transportation Committee*

10:30 – 10:45 am

### COFFEE BREAK

10:45 am – 11:45 am

### PRACTICAL ETHICS FOR AIR AND SPACE LAW PRACTITIONERS

What are practical ethics issues, including "revolving-door" rules under the ABA Model Rules of Professional Conduct, and state variations? How do these rules implicate the duties of loyalty, confidentiality, and zealous representation? The practical problems of lawyers working in a regulated industry, with constant government contacts, will also be addressed.

#### Moderator:

**David Berg**  
*General Counsel, Air Transport Association of America, Inc.*

#### Speakers:

**Roy Goldberg**  
*Sheppard Mullin Richter & Hampton LLP*

**DeWitt Rogers**  
*Troutman Sanders LLP*

**Professor Lisa Shaw Roy**  
*Associate Professor of Law, University of Mississippi*

12:00 – 1:30 pm

### LUNCHEON

1:45 – 2:45 pm

### LEGAL AND REGULATORY CHALLENGES AND OPPORTUNITIES– NOT JUST FOR THE COMMERCIAL SPACE INDUSTRY

U.S. government control of sensitive exports continues to be a challenge for the aerospace industry. Do new treaties and proposed legislation present opportunities for increased trade? And how are newer entrants in the commercial space field managing legal, regulatory and policy challenges? How similar are their experiences to those of the aviation pioneers? This panel will explore these and other issues from the perspectives of the regulator, legal practitioner and entrepreneur.

#### Moderator:

**Franceska O. Schroeder**  
*Fish & Richardson PC*

#### Panelists:

**Marc Holzapfel**  
*Virgin Galactic*

**Timothy R. Hughes**  
*Chief Counsel, Space Exploration Technologies (SpaceX)*

**Patricia Grace Smith**  
*Associate Administrator for Commercial Space Transportation,  
Federal Aviation Administration*

January 31, 2008

Ritz-Carlton Hotel, Washington, DC



2:30 – 3:30 pm

### AVIATION TORTS: UPDATES ON LITIGATION AND INSURANCE

How has the insurance market tried to clarify and provide/exclude coverage with respect to war, terrorism, and weapons of mass destruction? What are the implications of the European Union's Regulation 785/2004 on compulsory insurance requirements? What legal challenges have been made to airline computer ads? What are the implications of climate change for airline liability? Does the 1999 Montreal Convention present new liability exposure?

**Moderator:**

**Rod D. Margo**

*Condon & Forsyth*

**Panelists**

**Randal Robert Craft, Jr.**

*Holland & Knight*

**Ricks P. Frazier**

*Assistant General Counsel, United Air Lines, Inc.*

**Connie O'Keefe**

*Squire Sanders & Dempsey*

**R. Bruce Wark**

*Associate General Counsel, American Airlines*

4:00-4:15 pm

### COFFEE BREAK

4:15 – 5:15 pm

### GENERAL COUNSEL FORUM

Four Senior legal officers discuss hot topics in the industry. What are they worrying about for the coming year? How has their practice changed over the last several years? What are the key aspects of the relationships with outside counsel?

**Moderator:**

**Robert S. Span**

*Paul, Hastings, Janofsky & Walker LLP*

**Panelists:**

**Thomas P. Dale**

*Executive Vice President and General Counsel, Rolls-Royce North America Inc.*

**David J. A. Hayes III**

*Vice President and General Counsel, Trans States Airlines*

**Gary F. Kennedy**

*Senior Vice President and General Counsel, AMR Corp. and American Airlines*

**David A. Schwarte**

*Executive Vice President and General Counsel, Sabre Holdings Corporation*

5:15 pm

### CLOSING REMARKS

**Nancy D. LoBue, Chair**

5:30 pm

### COCKTAIL RECEPTION

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# CONFERENCE INFORMATION

## 1. Location

The conference will be held at the Ritz-Carlton Hotel located at 1150 22nd Street, NW, Washington, DC 20037, Phone: 202-835-0500

## 2. Hotel Reservations:

To make your hotel reservations, please contact **The Ritz-Carlton for availability at 800-241-3333. Please refer to the ABA Forum on Air and Space Law Conference when calling.** The Forum has negotiated special room rates beginning at \$269 per room. A 14.5% tax will also apply. We have reserved a limited block of rooms until **January 9, 2008**, or the block has sold out. After this date, the hotel will accept reservation on a space-available basis. All changes to and cancellations of hotel reservations must be made 24 hours before your arrival date to avoid a one-night cancellation charge. Rooms will be available for check-in no later than 4:00 p.m. with a checkout time of noon.

## 3. Air Travel:

Airfare discounts to ABA meetings are available through ABA Online Travel, the ABA's travel agency, Travelocity Business, or directly from the airlines. To access ABA Online Travel, go to <http://www.abanet.org/travel/onlinetravel.html>. There you will have automatic access to conference airfare discounts, web fares, and web book only airlines. The ABA's toll-free number for Travelocity Business is 1-866-321-8403.

## 4. Program Registration:

To register for all programs and events described in this brochure, please visit our website at [www.abanet.org/forums/airspace](http://www.abanet.org/forums/airspace) and complete the registration form. You may also mail your form to the ABA Forum on Air & Space Law, 321 N. Clark, Street, MS 18.2 Chicago, IL 60610 or fax with credit card payment to 312-988-5677. **We regret that we cannot process your application unless you include payment. We will mail confirmations to you at the address provided.** In order to be included in the list of program attendees, you must register before January 22, 2008 (at 4:00 pm – CST).

## 5. On-site Registration:

On-site registration is available for those persons who miss the registration deadline. If you plan to register at the door, **please call Dawn R. Holiday at 312-988-5660 at least 72 hours before the conference** to confirm that space is still available. Failure to call in advance may preclude admission to a sold out conference. On-site registrants must pay the registration fees by check, Visa, MasterCard, or American Express.

## 6. Registration Fees:

Includes admission to the one-day program, continental breakfast, coffee break (s), lunch, course materials and the Cocktail Reception.

## 7. Cancellation Policy:

Registrants who are unable to attend the conference will receive a refund less a \$100 administrative fee if written cancellation is received by January 22, 2008 at 4:00 pm (CST). **Cancellations must be faxed to 312-988-5677. No refunds will be granted after January 23, 2008.** Substitutions are acceptable, or conference materials will be sent in lieu of a refund after the program. The ABA reserves the right to cancel any programs and assumes no responsibility for personal expenses (including lodging, transportation or meals).

## 8. CLE Credit:

CLE accreditation has been requested for this conference from every state with mandatory continuing legal education requirements for lawyers. Please be aware that each state has its own rules and regulations, including its definition of CLE. Check with your state agency for confirmation of this program's approval and for additional requirements. Attorneys seeking to obtain MCLE credit in Louisiana and/or Pennsylvania will be required to pay state accreditation fees directly to these states. Certificates of attendance will be available at the conclusion of the conference.

## 9. Course Materials:

**Will be provided on CD-ROM as part of the registration fee. If you want to be able to follow along, please bring a laptop computer. Written materials will be an additional \$50. Materials will be available for purchase 30 days after the conference.**

## 10. Tax Deduction For Education Purposes

In the United States, an income tax deduction may be allowed for education expenses undertaken to maintain or improve professional skills. This includes registration, travel, meals and lodging, subject to applicable limitations (see Treas. Reg. 1.162-5: Coughlin v. Commissioner, 203 F.2d 307 (2d Cir.1953)).

## 11. Americans with Disabilities Act:

If special arrangements are required for disabled individuals to attend this program, contact Dawn R. Holiday in writing by January 23, 2007 at the American Bar Association, 321 N. Clark St., Chicago, IL, 60610 or Fax: 312/988 5677.



## 12. Dress:

Business Attire.

## 13. For latest program information:

Please visit the Forum on Air and Space Law Website: [www.abanet.org/forums/airspace](http://www.abanet.org/forums/airspace).

## 14. Questions:

If you have questions or require additional conference information, contact: Kim Turner at 312-988-5666 or e-mail: [turnerk@staff.abanet.org](mailto:turnerk@staff.abanet.org).

# REGISTRATION FORM

## 2008 UPDATE CONFERENCE – JANUARY 31, 2008

Three Ways to Register!



**By Fax:**

Fax completed registration form with credit card payment only to: 312-988-5677



**By Mail:**

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ABA, Forum on Air & Space Law  
321 N. Clark, St. MS 18.2  
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Are you licensed to practice in New York?      Yes                      No      (please circle)  
Are you a first-time attendee?                      Yes                      No

### Program and Forum Membership Fees

**Early Bird Discount (\$100 savings) if received before January 22, 2008**

- \$350      Forum Member
- \$400      ABA Member (Non Forum Member)
- \$450      Non-Forum Member/General Attendee
- \$150      Government/Academic (please identify school)
- \$125      Governing and Program Committee Members
- \$50      Law Student
- \$75      Program Speaker

**Received on or after January 22, 2008**

- \$450      Forum Member
- \$500      ABA Member (Non Forum Member)
- \$550      Non-Forum Member/General Attendee
- \$250      Government/Academic (please identify school)
- \$225      Governing and Program Committee Members
- \$100      Law Student
- \$75      Program Speaker

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## 2008 Update Conference

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