

2016

Front Matter

Follow this and additional works at: <https://scholar.smu.edu/jalc>

Recommended Citation

Front Matter, 81 J. Air L. & Com. i (2016)
<https://scholar.smu.edu/jalc/vol81/iss3/1>

This Front Matter is brought to you for free and open access by the Law Journals at SMU Scholar. It has been accepted for inclusion in Journal of Air Law and Commerce by an authorized administrator of SMU Scholar. For more information, please visit <http://digitalrepository.smu.edu>.

The Journal of Air Law and Commerce

VOLUME 81

SUMMER 2016

NUMBER 3

TABLE OF CONTENTS

ARTICLES

Assuring Safer Skies?: A Survey
of Aeromedical Issues
Post-Germanwings *Jennifer M. Clark* 351

Sovereignty's Gray Area:
The Delimitation of Air and
Space in the Context of Aerospace
Vehicles and the Use of Force..... *Matthew T. King* 377

COMMENTS

Wright is Still Wrong: The Wright
Amendment Reform Act and
Airline Competition at Dallas
Love Field *Barret V. Armbruster* 501

Hijacking Open Skies: The Line
Between Tough Competition and
Unfair Advantage in the International
Aviation Market *Hannah E. Cline* 529

Fingerprints: A New Means
of Identification in Airport
Security Screening..... *Chase Hilton* 561

The *Journal of Air Law and Commerce* (ISSN 0021-8642) is published four times a year, (1) Winter, (2) Spring, (3) Summer, and (4) Fall, by the SMU Law Review Association. Subscription rates are \$43.00 per year, domestic, and \$50.00 per year, foreign. Single issues are available at \$16.00 per copy. Add 8.25% tax on all single issue orders within the State of Texas. Tax exempt institutions must include a copy of their exemption certificate with orders. An additional charge will be made for postage and handling. Periodicals postage paid at Dallas, Texas, and at additional mailing offices. Prior issues (vols. 1-78) available from William S. Hein & Co., 2350 North Forest Road, Getzville, New York 14068. Volumes 79-80 are available from the *Journal of Air Law and Commerce*, Southern Methodist University School of Law, P.O. Box 750116, Dallas, Texas 75275. POSTMASTER: Send address changes to *Journal of Air Law and Commerce*, Southern Methodist University, Dedman School of Law, P.O. Box 750116, Dallas, Texas 75275. Printed by Joe Christensen, Inc., P.O. Box 81269, Lincoln, Nebraska 68501.

Citations conform with *The Bluebook: A Uniform System of Citation* (20th ed. 2015) and *Texas Rules of Form* (12th ed. 2010). Please note that due to the justification of the articles, citations to internet sources may contain an additional space between double back slashes.

Please address all manuscripts electronically to the Editor in Chief, *Journal of Air Law and Commerce*, Southern Methodist University School of Law, P.O. Box 750116, Dallas, Texas 75275 or by email at jalceic@smu.edu. Submitted manuscripts should be double-spaced. Footnotes rather than endnotes should be used and should also be double-spaced. Word processing capabilities and requirements are available on request. A brief autobiographical statement should accompany the submission. Unsolicited manuscripts will not be returned unless return postage or a stamped, self-addressed envelope is enclosed.

Replacement copies are sent to subscribers upon prompt notification of non-receipt or defective copies. Subscriptions are cancelled automatically upon expiration. All notifications of change of address should include old address, including zip code, and new address, including zip code. Please notify one month in advance to ensure prompt delivery.

Address inquiries to the *Journal of Air Law and Commerce*, Southern Methodist University School of Law, P.O. Box 750116, Dallas, Texas 75275.

Published quarterly by the SMU Law Review Association.

© Copyright 2016 by the Southern Methodist University Dedman School of Law.

ADVISORY BOARD

Gary W. Allen
Attorney at Law
Williamsburg, VA

Marc S. Moller
Kreindler & Kreindler
New York, NY

Dr. P. Nikolai Ehlers
Ehlers, Ehlers & Partners
Munich, Germany

John J. Nance
Aviation Author & Attorney at Law
Roche Harbor, WA

Elizabeth Mireya Freidenberg
Freidenberg, Freidenberg & Lifsic
Buenos Aires, Argentina

David T. Norton
Shackelford, Melton & McKinley, LLP
Dallas, TX

Eileen M. Gleimer
Crowell & Moring, LLP
Washington, DC

John F. Pritchard
Holland & Knight
New York, NY

H. Norman Kinzy
SettlePou
Dallas, TX

Don G. Rushing
San Diego, CA

Paul B. Larsen
Attorney at Law
Bainbridge Island, WA

Mark R. Shaw
Associate General Counsel
Southwest Airlines
Dallas, TX

Robert Lawson
Quadrant Chambers, Quadrant House
London, England

Charles H. Smith
Cantey Hanger LLP
Dallas, TX

Allan I. Mendelsohn
Attorney at Law
Washington, DC

Charles A. Tarpley
Attorney at Law
Dallas, TX

Pablo M.J. Mendes de Leon
Professor of Air & Space Law
University of Leiden
The Netherlands

William E. Thoms
Professor Emeritus of Law
Upper Great Plains Transportation Institute
Little Falls, MN

Dr. Michael Milde
Director Emeritus
Institute of Air & Space Law
McGill University
Montreal, Canada

Windle Turley
Turley Law Firm
Dallas, TX

William R. Wyatt
Sheppard, Mullin, Richter & Hampton,
L.L.P.
New York, NY

SMU Law Review

VOLUME 81

SUMMER 2016

NUMBER 3

THE SMU LAW REVIEW ASSOCIATION 2015 – 2016 BOARD OF EDITORS

President

MICHAEL WALRAVEN

Journal of Air Law & Commerce
Editor-in-Chief
CHASE COBERN

Texas Survey Editor
RACHEL FREEMAN

SMU Law Review
Editor-in-Chief
CRISTINA SQUIERS

Journal of Air Law & Commerce
Managing Editor
LINDSEY ALTMeyer

Associate Texas Survey Editors
BRAXTON ADAMSON
MICHAEL ANDREWS

SMU Law Review
Managing Editor
TROY L. HALES II

JALC Associate Managing Editors
SAMANTHA MONK
HALEY POMROY

Lead Articles Editors
DEAN GALARO
ANGELA OLIVER

SMU Associate Managing Editors
LUCAS HENRY
COURTNEY CLAY

UANNA MILENA FALCÃO ALVES
KATHERINE BAILEY
WILLIAM H. BETTS III
MEREDITH BREWSTER
LESLIE BROCKHOEFT
BRYANT BUECHELE

Articles Editors
GARY ENIS
AMY ESTES
BRITTANY FOX
ALEXANDRA HUNT
JACLYN KALINOSKI

KENT LOVE
JEFFREY NANSON
HARRISON PAPAILA
GRANT ROBINSON
CALLUM ROSS
DEVANSHI SOMAYA

JALC Comment Editors
ALLISON STEWART
ELIZABETH LYLES

Executive Editor
WENDY WILKINS

SMU Comment Editors
RYAN JONES
TAYLOR ANTHONY
KATIE WRIGHT

Administrative Managing Editor
ALICE K. PARKER

Air Law Symposium
Editor
BETHANIE LIVERNOIS

Symposium CLE
Editors
SARAH-MICHELLE STEARNS
HANNAH MASON

Corporate Counsel Symposium
Editors
CHRISTIE LATIMER
JORDAN SAWYER

Air Law Associate Symposium Editor
LAUREN LIEBERMAN

Symposium Technology Editors
W. GREG WILLIAMSON
KAYLA MCDANIEL

Journal of Air Law and Commerce
Faculty Advisor
GREGORY S. CRESPI

Corporate Directors
Institute Editor
JESSICA KIRK

SMU Law Review
Faculty Advisor
THOMAS WM. MAYO
ANTHONY J. COLANGELO

Journal of Air Law and Commerce
Administrative Assistant
LISA BROWNING

SMU Law Review
Administrative Assistant
TALIBRA FERGUSON

MEMBER, NATIONAL CONFERENCE OF LAW REVIEWS

THE SMU LAW REVIEW ASSOCIATION PUBLISHES BOTH
THE SMU LAW REVIEW AND THE JOURNAL OF AIR LAW AND COMMERCE

SMU Law Review

VOLUME 81

SUMMER 2016

NUMBER 3

THE SMU LAW REVIEW ASSOCIATION 2016 – 2017 BOARD OF EDITORS

President

SARAH ABOUKHAIR

Journal of Air Law & Commerce

Editor-in-Chief
ABIGAIL STORM

Texas Survey Editor

JIN S. SHIN

SMU Law Review

Editor-in-Chief
ALLISON COOK

Journal of Air Law & Commerce

Managing Editor
KATHERINE LOWE

Associate Texas Survey Editor

KAYLA JOHNSON

SMU Law Review

Managing Editor
CHASE HILTON

JALC Associate Managing Editors

JESSICA MANNON
BRENNWYN ROMANO

Lead Articles Editors

DAVID LASSETTER
TONYA MAKSIMENKO

SMU Associate Managing Editors

JENNIFER TREJO
HAO WU

BARRET ARMBRUSTER
JONATHAN BASS
ZACHRY BRUCHMILLER
JORDAN BRUNS
HANNAH CLINE
LANDON HANKINS

Articles Editors

RYAN HOLM
RACHEL HURT
MADISON KEEBLE
ASHBEY MORGAN
JORDAN NEWMAN

IAN QUINN
LAURA E. SHAPIRO
OMAR SHARIFF
DANIEL TROIANO
ALEXANDER TURNER
KATHARYN ZAGORIN

JALC Comment Editors

KELLY ALMETER
LACI RESÉNDIZ

Executive Editor

JOHN SAGER

SMU Comment Editors

LAURA CHOI
ANNA OLIN
JESSICA SCHAUWECKER

Administrative Managing Editor

DANA HILZENDAGER

*Air Law Symposium
Editor*

DEAN GOULD

*Symposium CLE
Editors*

JACOB L. NOVAK
SHEILA SALOPEK

*Corporate Counsel Symposium
Editors*

KATHERINE GEDDES
BRETT MOORE

Air Law Associate Symposium Editor

JOSH FULLER

Symposium Technology Editors

AARON PIROUZNA

Journal of Air Law and Commerce

Faculty Advisor
GREGORY S. CRESPI

Alternative Dispute Resolution

Symposium Editors
TREVOR LAWHORN
SUSAN WHEAT

SMU Law Review

Faculty Advisors
THOMAS WM. MAYO
ANTHONY J. COLANGELO

Journal of Air Law and Commerce

Administrative Assistant
LISA BROWNING

SMU Law Review

Administrative Assistant
TALIBRA FERGUSON

MEMBER, NATIONAL CONFERENCE OF LAW REVIEWS

THE SMU LAW REVIEW ASSOCIATION PUBLISHES BOTH
THE SMU LAW REVIEW AND THE JOURNAL OF AIR LAW AND COMMERCE

SMU Law Review

VOLUME 81

SUMMER 2016

NUMBER 3

THE SMU LAW REVIEW ASSOCIATION PROUDLY ANNOUNCES
ITS 2016-2017 STAFF

Erik Allison	Anne McGinnis
Christopher Bailey	Sarah McLeroy
Erin Brewer	Katlyne Miller
Sarah Briggs	Mashall Momin
Matt Callison	Joe O'Connell
Micah Chambers	Catherine Parsley
Raja Chatterjee	Shelby Perry
Christopher Cochran	Victoria Petty
Alexander Cohen	Alexandria Rahn
Brooke Dorris	Lindsey Rattikin
Aubrey Edkins	Christopher Ross
Michael Fechner	Richard Saliba
Joanna Firth	Cory A. Scanlon
Caio Formenti	Michael Schlinkert
Morgan Francy	Brandi Schroeder
Shannon Glen	Staci Schwartz
Taylor Green	Penelope Shumway
Caroline Hunt	Mary Sommers
Alexa Jeffus	Philip Spencer
Timothy Johnston	Ann Stehling
Taylor Kara	Elijah Stone
Justin Keller	Jordan Tanoury
Haley King	Robert Uhl
Catherine Kordestani	Andrew Upton
Efren Lemus	Elizabeth Vinson
Courtney Luster	Bobby Ryan Weger

SOUTHERN METHODIST UNIVERSITY DEDMAN SCHOOL OF LAW

OFFICERS OF THE UNIVERSITY

R. Gerald Turner, *President*
Steven C. Currall, *Provost and Vice President for Academic Affairs*
Harold W. Stanley, *Vice President for Executive Affairs*
Brad E. Cheves, *Vice President for Development and External Affairs*
Christine C. Regis, *Vice President for Business and Finance*
Paul J. Ward, *Vice President for Legal Affairs and Government Relations, General Counsel, and Secretary*
Dr. Pamela D. Anthony, *Vice President for Student Affairs*
Michael A. Condon, *University Treasurer*

DEDMAN SCHOOL OF LAW

FACULTY AND ADMINISTRATIVE STAFF

Jennifer Collins, *Judge James Noel Dean and Professor of Law*
Elizabeth G. Thornburg, B.A., J.D., *Senior Associate Dean for Academic Affairs and Richard R. Lee Endowed Professor of Law*
Nathan Cortez, B.A., J.D., *Associate Dean for Research and Adelfa Botello Callejo Endowed Professor of Law in Leadership and Latino Studies*
Lynn Switzer Bozalis, B.A., J.D., *Associate Dean for Development and Alumni Affairs*
Mary B. Spector, B.A., J.D., *Associate Dean for Clinics and Professor of Law, Director of Consumer Advocacy Project, and Co-Director of the Civil Clinic*
Greg Ivy, B.B.A., M.A., J.D., *Associate Dean for Library & Technology Underwood Law Library*
Martin L. Camp, B.A., J.D., *Assistant Dean for Graduate and International Programs*
Becca Henley, B.A., J.D., *Assistant Dean for Administration*
Jill Nikirk, B.A., J.D., *Assistant Dean for Admissions*
Karen C. Sargent, B.B.A., J.D., *Assistant Dean and Executive Director for Career Services*
Stephen B. Yeager, B.B.A., J.D., *Assistant Dean for Student Affairs*
Laura G. Burstein, B.A., J.D., *Director of Public Service and Director of Academic Support*
Lynn McVicker Dempsey, B.B.A., *Director of External Relations*
Linda A. Hale, B.A., J.D., *Director of Career Services*
Kristy Offenburger, *Director of Communications and Marketing*
Abby N. Ruth, B.S., J.D., *Director of Alumni Relations*
Rey Rodriguez, B.B.A., J.D., *Director of Career Services and Diversity and Inclusion Initiatives*
Roland C. Webb, B.S., M.B.A., *Director of Financial Services*
Laura Amberson, B.S., *Registrar*

FACULTY

Roy R. Anderson, B.A., J.D., LL.M., *Vinson & Elkins Distinguished Teaching Fellow and Professor of Law*
Maureen N. Armour, B.A., M.S.W., J.D., *Co-Director of Civil Clinic and Associate Professor of Law*
Misty Birdsong, B.A., J.D., *Adjunct Professor of Legal Research, Writing and Advocacy*
Lackland H. Bloom, Jr., B.A., J.D., *Professor of Law*
William J. Bridge, B.S.F.S., J.D., *Associate Professor of Law*
Cheryl Nelson Butler, B.A., J.D., *Assistant Professor of Law*
Regis W. Campfield, B.B.A., LL.B., *Professor Emeritus of Law and Maribyn Jeanne Johnson Distinguished Law Faculty Fellow Emeritus*
Beverly M. Carl, B.S.L., J.D., LL.M., *Professor Emerita of Law*
Michaela E. Cashen, B.A., J.D., *Senior Lecturer in Law*
Eric Cedillo, B.S., J.D., *Adjunct Clinical Professor of Law, Coordinator of Consumer Advocacy Project, Supervisor of Summer Civil Clinic*
Anthony J. Colangelo, B.A., J.D., LL.M., J.S.D., *Gerald J. Ford Research Fellow and Professor of Law*

Nathan Cortez, B.A., J.D., *Associate Dean for Research and Adelfa Botello Callejo Endowed Professor of Law in Leadership and Latino Studies*

Gregory S. Crespi, B.S., M.S., Ph.D., J.D., *Professor of Law*

Ruth A. Cross, B.A., J.D., *Director of Legal Research, Writing, and Advocacy Program and Senior Lecturer in Law*

Greg Ivy, B.B.A., M.A., J.D., *Associate Dean for Library & Technology Underwood Law Library*

David E. DePianto, B.A., J.D., Ph.D., *Assistant Professor of Law*

William V. Dorsaneo III, B.A., J.D., *Chief Justice John and Lena Hickman Distinguished Faculty Fellow and Professor of Law*

Beverly C. Duréus, B.A., J.D., Th.M., *Senior Lecturer in Law*

Linda S. Eads, B.A., J.D., *Associate Provost and Associate Professor of Law*

Julia P. Forrester, B.S.E.E., J.D., *Associate Provost, Former Dean ad interim, and Professor of Law*

Jeffrey M. Gaba, B.A., J.D., M.P.H., M.D., *Anderson Foundation Endowed Professor in Health Law*

Christopher H. Hanna, B.S., J.D., LL.M. (in Taxation), *Alan D. Feld Endowed Professor of Law and Altshuler University Distinguished Teaching Professor*

Patricia S. Heard, B.A., J.D., *Senior Lecturer in Law*

Marc A. Hubbard, B.S., J.D., *Adjunct Clinical Professor of Law, Patent Law Clinic*

JoAnn A. Hubbard, B.S., J.D., *Senior Lecturer in Law*

Christopher M. Jenks, B.S., J.D., LL.M., LL.M., Ph.D. *Candidate, Director of the Criminal Justice Clinic and Assistant Professor of Law*

Larry Jones, B.B.A., J.D., LL.M. (Taxation), *Adjunct Clinical Professor of Law, Federal Tax Clinic*

Jeffrey Kahn, B.A., M.Phil., D.Phil., J.D., *Professor of Law*

Ndiva Kofele-Kale, B.A., M.A., Ph.D., J.D., *University Distinguished Professor and Professor of Law*

Henry J. Lischer Jr., B.B.A., J.D., LL.M. (Taxation), *Professor Emeritus of Law*

John S. Lowe, B.A., LL.B., *George W. Hutchison Professor of Energy Law*

George A. Martinez, B.A., M.A., J.D., *Professor of Law*

Thomas Wm. Mayo, B.A., J.D., *Altshuler University Distinguished Teaching Professor and Associate Professor of Law*

Orly Sulami Mazur, B.B.A., M.P.A., J.D., LL.M. (Taxation), *Assistant Professor of Law*

Mike McCollum, B.A., J.D., *Adjunct Clinical Professor of Law, Criminal Justice Clinic*

Joseph W. McKnight, B.A., B.A., B.C.L., M.A., LL.M., *Larry and Jane Harlan Faculty Fellow Emeritus and Professor Emeritus of Law**

Charles J. Morris, B.A., LL.B., *Professor Emeritus of Law*

Frederick C. Moss, A.B., J.D., LL.M., *Professor Emeritus of Law*

John J. Mylan, B.S., J.D., LL.M. (in Taxation), *Professor Emeritus of Law*

Natalie Nanasi, B.A., J.D., *Director of the Judge Elmo B. Hunter Legal Center for Victims of Crimes Against Women and Lecturer in Law*

Joseph Jude Norton, A.B., LL.B., LL.M, S.J.D., D.Phil., LL.D., LL.D., *James L. Walsh Distinguished Faculty Fellow and Professor in Financial Institutions Law*

Victoria Palacios, J.D., *Associate Professor of Law*

Kenneth L. Penegar, A.B., J.D., LL.M., *Professor Emeritus of Law*

Chante Prox, B.S., M.S., J.D., *Director of the VanSickle Family Law Clinic and Lecturer of Law*

Roark M. Reed, B.S., B.A., J.D., *Professor Emeritus of Law*

W. Keith Robinson, B.S., J.D., *Co-Director of the Tsai Center for Law, Science and Innovation and Assistant Professor of Law*

C. Paul Rogers III, B.A., J.D., LL.M., *Professor of Law and Former Dean*

Meghan Ryan, A.B., J.D., *Associate Professor of Law*

Eliot Shavin, B.A., J.D., *Adjunct Clinical Professor of Law, Civil Clinic*

Mary B. Spector, B.A., J.D., *Associate Dean for Clinics and Professor of Law, Director of Consumer Advocacy Project, and Co-Director of the Civil Clinic*

Walter W. Steele Jr., LL.B., *Professor Emeritus of Law*

Marc I. Steinberg, A.B., J.D., LL.M., *Rupert and Lillian Radford Chair in Law*

*d. Nov. 30, 2015

Heather L. Stobaugh, B.A., M.A., J.D., *Senior Lecturer in Law*
Diane M. Sumoski, B.A., J.D., *Director of the W.W. Caruth, Jr. Child Advocacy Clinic
and Lecturer in Law*
Joshua C. Tate, B.A., M.A., M.Phil. J.D., Ph.D., *Associate Professor of Law*
David O. Taylor, B.S., J.D., *Co-Director of the Tsai Center for Law, Science and
Innovation and Assistant Professor of Law*
Walter Theiss, M.B.A., J.D., *Adjunct Clinical Professor of Law, Small Business &
Trademark Clinic*
Elizabeth G. Thornburg, B.A., J.D., *Senior Associate Dean for Academic Affairs and
Richard R. Lee Endowed Professor of Law*
Jenia Iontcheva Turner, B.A., J.D., *Professor of Law*
Jonni Walls, B.A., J.D., *Senior Lecturer in Law*
Jessica Dixon Weaver, B.A., J.D., *Associate Professor of Law*
Harvey Wingo, B.A., M.A., J.D., *Vinson & Elkins Distinguished Teaching Fellow
Emeritus and Professor Emeritus of Law*
Peter Winship, B.A., LL.B., LL.M., J.S.D., *Candidate, James Cleo Thompson, Sr.,
Trustee Professor of Law*

