

2013

Front Matter

Recommended Citation

Front Matter, 78 J. AIR L. & COM. i (2013)
<https://scholar.smu.edu/jalc/vol78/iss1/8>

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 78

SPRING 2013

NUMBER 2

TABLE OF CONTENTS

ARTICLES

Recent Developments in Aviation Law... *Donald R. Andersen* 219

The "Lawfare" of Forum Non Conveniens:
Suits by Foreigners in U.S. Courts for
Air Accidents Occurring Abroad *Melinda R. Lewis* 319

The Delimitation Between Airspace and
Outer Space and the Emergence
of Aerospace Objects *Dr. Jinyuan Su* 355

COMMENTS

General Aviation Accident Rate:
How General Aviation Differs
from Commercial Airline Flight
and How to Correct the Discrepancy *Michelle Northcutt* 381

*Winner of the International Aviation Womens Association Scholarship

Focusing on ADHD: A Second Look at the
FAA's Ban on ADHD Medication
in the Cockpit..... *Baine Sellers* 417

*Winner of the Wayne Vines Memorial Scholarship for Aviation Safety

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. 1-75) available from William S. Hein & Co., 2350 North Forest Road, Getzville, New York 14068. Volumes 76-78 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*, School of Law, Southern Methodist University, 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* (19th ed. 2010) 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 to the Editor in Chief, *Journal of Air Law and Commerce*, Southern Methodist University School of Law, P.O. Box 750116, Dallas, Texas 75275. Submitted manuscripts should be triple-spaced on letter-size paper. Footnotes rather than endnotes should be used and should also be triple-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 renewed automatically upon expiration unless the subscriber sends timely notice of termination. 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 2013 by the Southern Methodist University Dedman School of Law.

ADVISORY BOARD

Garry W. Allen
Attorney at Law
Williamsburg, VA

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

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

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

Eugene Jericho
Attorney at Law
Dallas, TX

H. Norman Kinzy
SettlePou, P.C.
Dallas, TX

Paul B. Larsen
Georgetown University
Law Center
Washington, DC

Robert Lawson
Quadrant Chambers, Quadrant
House
London, England

Andreas F. Lowenfeld
Professor of Law
New York University School of Law
New York, NY

Allan I. Mendelsohn
Sher & Blackwell
Washington, DC

Dr. Pablo M.J. Mendes de Leon
Director, Int'l Institute of Air &
Space Law
University of Leiden
The Netherlands

Dr. Michael Milde
Director Emeritus

Institute of Air & Space Law
McGill University
Montreal, Canada

Marc S. Moller
Kreindler & Kreindler
New York, NY

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

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

John F. Pritchard
Holland & Knight
New York, NY

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

Charles H. Smith
Smith & Moore, P.L.L.C.
Dallas, TX

Charles A. Tarpley
Attorney at Law
Dallas, TX

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

Windle Turley
Turley Law Firm
Dallas, TX

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

SMU Law Review

VOLUME 78

SPRING 2013

NUMBER 2

SMU LAW REVIEW ASSOCIATION 2012 – 2013 BOARD OF EDITORS

President

JORDAN CAMPBELL

Journal of Air Law & Commerce
Editor-in-Chief
DALE FRESCH

SMU Law Review
Editor-in-Chief
KELLY KLINGSEISEN

Journal of Air Law & Commerce
Managing Editor
JANE CHERRY

Texas Survey Editor
JUSTIN WHEELER

SMU Law Review
Managing Editor
JAMES BOOKHOUT

Associate Texas Survey Editors

LAUREL BREWER
JOHN CARSE

JALC Assoc. Managing Editors
ANN FRITSCHÉ
JENNIFER STATON

Lead Articles Editors
MICHAEL BUSCHER
COLE DAVIS
ROXANNE JETT

SMU Assoc. Managing Editors
NEIL STOCKBRIDGE
MOLLY WHITMAN

Articles Editors

SALMAN BHOJANI
PETE DALE
LORELEE DODGE
J. BROOKS DURHAM
PHILLIP FIELD

ANDREA FITZGERALD
PARKER GRAHAM
OLGA GURTOVAYA
MATTHEW HEAPE

JESSIE KNAPP
KITTY MCGAHEY
MASON PARHAM
KRISTIN REEVES
POLLY SIMS

JALC Comment Editors
TIM BERGQUIST
HEIDI WILLERS

Executive Editor
ANDREW LAIRD

SMU Comment Editors
ERIN CROSBY
DAMIEN REYNOLDS

Air Law
Symposium Editor
JARRETT WATKINS

Administrative Managing Editors
FAWAZ BHAM
MORGAN GRISSUM
LINDSEY MARSH

Corporate Counsel
Symposium Editor
COLBY MCKENZIE

Assoc. Symposium Editor
TARYN DUSEK

Assoc. Symposium Editor
ALLYN HURLEY

Symposium CLE Editors
AMANDA KELLEY
CASEY MARCHBANKS

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

Symposium Technology Editors
SCOTT COURTNEY
ADRIENNE LEWIS

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

Journal of Air Law and Commerce
Administrative Assistant
LISA BROWNING

SMU Law Review
Administrative Assistant
DONNAISE BALDWIN

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 78

SPRING 2013

NUMBER 2

THE SMU LAW REVIEW ASSOCIATION 2012-2013 STAFF

LAURA ARBEITER
ASHTON BARRINEAU
JAMES BEDOTTO
BRANDON BELLOWS
JACQUI BOGUCKI
LAUREN K. CHRISTY
CHELSEA CLARK
HEATHER COGHLAN
KATIE CRISTINA
KIMBERLY FALGOUT
BLAKE FEIKEMA
RYAN FRYE
CHRISTINA GIGLIOTTI
JASON GLENNON
BLAIR M. GREEN
JESSICA W. GREENWALD
ELIZABETH GRIFFIN
SARAH HONEYCUTT
LINDSEY HOVLAND
RENEE HUNTER
CHRIS LAMBERT
NATHANIEL LEE
JUN LI
ZUNNY LOSOYA

NICHOLAS LOW
SEAN McBEATH
MATT MORAN
SETH I. MUSE
ROUZHNA NAYERI
MICHELLE NORTHCUIT
BROOKE PANNO
KYLE M. PARK
BRYAN PARRISH
SAMUEL PINKSTON
PHILLIP SANDERS
BAINE SELLERS
JOSHUA TYLER SHELTON
ROSS STAINE
CLARKE WELCH STAVINOHAN
DONALD M. STEADMAN
CHAD STOKER
NATHANIEL THOMPSON
JERRY TICE
PHONG TRAN
WILLIAM TRAN
CYNTHIA WEBER
LANCE WYATT

SOUTHERN METHODIST UNIVERSITY DEDMAN SCHOOL OF LAW

OFFICERS OF THE UNIVERSITY

R. Gerald Turner, *President*
Paul W. Ludden, *Provost and Vice President for Academic Affairs*
Thomas E. Barry, *Vice President for Executive Affairs*
Brad E. Cheves, *Vice President for Development and External Affairs*
Chris Regis, *Vice President for Business and Finance*
Paul J. Ward, *Vice President for Legal Affairs and Government Relations, General Counsel, and Secretary*
Lori S. White, *Vice President for Student Affairs*
Michael A. Condon, *University Treasurer*

DEDMAN SCHOOL OF LAW

FACULTY AND ADMINISTRATIVE STAFF

Julia P. Forrester, B.S.E.E., J.D., *Dean ad interim and Professor of Law*
John S. Lowe, B.A., LL.B., *Senior Associate Dean for Academic Affairs and George W. Hutchison Chair in Energy Law*
Nathan Cortez, B.A., J.D., *Associate Dean for Research and Associate Professor of Law*
Gail M. Daly, B.A., M.A., J.D., *Associate Dean for Library and Technology and Associate Professor of Law*
Ruth A. Cross, B.A., J.D., *Associate Dean for Administration, Director of Legal Research, Writing and Advocacy Program and Senior Lecturer in Law*
Lynn Switzer Bozalis, B.A., J.D., *Associate Dean for Development and Alumni Affairs*
Martin L. Camp, B.A., J.D., *Assistant Dean for Student Affairs*
Karen C. Sargent, B.B.A., J.D., *Assistant Dean and Executive Director for Career Services*
Jill Nikirk, B.A., J.D., *Assistant Dean for Admissions*
Rebecca Garza Greenan, B.S., B.A., M.Ed., J.D., *Director of Public Service Program and Director of Academic Skills Assistance Program*
Roland C. Webb, B.S., M.B.A., *Director of Financial Services*
Lynn McVicker Dempsey, B.B.A., *Director of External Relations*
Kristy Offenburger, *Director, Communications and Marketing*
Linda A. Hale, B.A., J.D., *Director of Career Services*
Stephen B. Yeager, B.B.A., J.D., *Director of Career Services*
J. Mark McWatters, B.B.A., M.B.A., J.D., LL.M., LL.M., *Director of Graduate Programs*
Laura Amberson, B.S., *Registrar*

FACULTY

John B. Attanasio, B.A., J.D., LL.M., *Dipl. in Law, Judge William Hawley Atwell Chair of Constitutional Law, Professor of Law and Former Dean*
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*
Lackland H. Bloom, Jr., B.A., J.D., *Professor of Law*
William J. Bridge, B.S.F.S., J.D., *Associate Professor of Law*
Alan R. Bromberg, B.A., J.D., *University Distinguished 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 Marilyn 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., *Coordinator, Consumer Advocacy Project*
Anthony J. Colangelo, B.A., J.D., LL.M., J.S.D., *Associate Professor of Law*
Nathan Cortez, B.A., J.D., *Associate Dean for Research and Associate Professor of Law*
Gregory S. Crespi, B.S., M.S., Ph.D., J.D., *Professor of Law*
Ruth A. Cross, B.A., J.D., *Associate Dean for Administration; Director of Legal Research, Writing, and Advocacy Program; and Senior Lecturer in Law*

Gail M. Daly, B.A., M.A., J.D., *Associate Dean for Library and Technology, Director of the Underwood Law Library, and Associate Professor of Law*
 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., *Dean ad interim and Professor of Law*
 Jeffrey M. Gaba, B.A., J.D., M.P.H., *Professor of Law*
 Christopher H. Hanna, B.S., J.D., LL.M. (in Taxation), *Altshuler University Distinguished Teaching Professor and Professor of Law*
 Patricia S. Heard, B.A., J.D., *Senior Lecturer in Law*
 JoAnn A. Hubbard, B.S., J.D., *Senior Lecturer in Law*
 Christopher M. Jenks, B.S., J.D., LL.M., LL.M. (with distinction), *Director of the Criminal Justice Clinic and Assistant Professor of Law*
 Larry Jones, B.B.A., J.D., LL.M., *Director of Federal Tax Clinic and Small Business Clinic*
 Jeffrey Kahn, B.A., M.Phil., D.Phil., J.D., *Associate 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. (in Taxation), *Professor Emeritus of Law*
 John S. Lowe, B.A., LL.B., *Senior Associate Dean for Academic Affairs and 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. (summa cum laude), J.D. (Order of the Coif), LL.M., *Assistant Professor of Law*
 Joseph W. McKnight, B.A., B.A., B.C.L., M.A., LL.M., *Larry and Jane Harlan Faculty Fellow and Professor 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*
 Xuan-Thao Nguyen, B.A., J.D., *Professor of Law*
 Joseph Jude Norton, A.B., LL.B., LL.M., S.J.D., D.Phil., *Distinguished Faculty Fellow in Financial Institutions, Professor of Law, and James L. Walsh Distinguished Faculty Fellow*
 Victoria Palacios, J.D., *Associate Professor of Law*
 Kenneth L. Penegar, A.B., J.D., LL.M., *Professor Emeritus of Law*
 Roark M. Reed, B.S., B.A., J.D., *Professor Emeritus of Law*
 W. Keith Robinson, B.S., J.D., *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., *Assistant Professor of Law*
 Eliot Shavin, B.A., J.D., *Supervising Attorney, Civil Clinic*
 Ellen K. Solender, A.B., J.D., *Professor Emerita of Law*
 Mary B. Spector, B.A., J.D., *Co-Director of Civil Clinic, Director of Consumer Law Project, and Associate Professor of Law*
 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*
 Heather Stobaugh, B.A., M.A., J.D., *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., *Assistant Professor of Law*
 Elizabeth G. Thornburg, B.A., J.D., *Professor of Law*
 Sarah Tran, B.S., J.D., *Assistant Professor of Law*
 Jenia Iontcheva Turner, B.A., J.D., *Professor of Law*
 Jonni Walls, B.A., J.D., *Lecturer in Law*
 Jessica Dixon Weaver, B.A., J.D., *Assistant 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., *James Cleo Thompson Sr. Professor of Law*



Articles

