

1971

## Symposium on General Aviation

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

---

### Recommended Citation

*Symposium on General Aviation*, 37 J. AIR L. & COM. vii (1971)  
<https://scholar.smu.edu/jalc/vol37/iss3/2>

This Foreword 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 37

1971

NUMBER 3

---

## SYMPOSIUM ON GENERAL AVIATION

General aviation is a segment of the aviation community too often ignored in favor of the more glamorous area of commercial carriers. In March 1971, *The Journal of Air Law and Commerce* conducted a three-day symposium at Southern Methodist University to provide those attending information concerning this important segment of the aviation community and to acquaint the practicing Bar with the tremendous growth potential of general aviation and its concurrent need for legal involvement.

During the course of the Symposium numerous speakers discussed varying subjects which were well-received by the delegates. *The Journal* asked each speaker to formalize his remarks into a publishable format so that those unable to attend might have the benefit of this information. Due to the demands of time, not all speakers were able to convert their remarks into a publishable format; however, the Board of Editors of *The Journal of Air Law and Commerce* wishes to express its appreciation to each of the speakers present and particularly to those whose remarks follow.

The initial remarks are those of Mr. Harold Caplan. Mr. Caplan was the keynote speaker and his remarks were addressed to the "uncommon law." Mr. Caplan compares the American experience in aviation to that of his native England and compares the development of legal concepts to contemporary aviation problems. Mr. Caplan concludes with a plea for the reinstatement of what he terms the "uncommon law" to deal with these contemporary problems. The second paper, presented by Mr. John Yodice, deals with the problems an attorney is likely to face in representing a pilot from the general aviation community. Mr. Yodice discusses the federal system of certification of pilots and the legal implications involved. He concludes with practical remarks to aid the attorney in dealing with these problems. The third paper, presented by Mr. L. S. Carsey, deals with the liability of aircraft manufacturers. He discusses the existing regulatory framework for manufacturers and discusses the possible liability arising from this system. He compares the common law liability and the nature of the aircraft manufacturer's responsibility in general aviation. The fourth paper, presented by Mr. Louis Davidson, deals with the problems involved in choice of forum

in claims arising out of aviation disasters. Mr. Davidson discusses the various factors which should influence the attorney's choice of forum and the likely consequences of the failure to recognize any of these factors. The fifth paper, presented by Mr. George Whitehead, discusses the view of the aviation insurance underwriter and explores the relationship of the insurance industry with the general aviation community. Mr. Whitehead points out the problems likely to result from the failure of counsel or underwriter to recognize the nature of their relationship and concurrent interests. The sixth paper, presented by Mr. Tom Davis, discusses aviation insurance exclusions. Mr. Davis' approach, that of attorney rather than insurance underwriter, typifies problems which attorneys in general aviation are likely to encounter and offers possible solutions. The final paper, presented by Mr. John Kennelly, concerns the proposed modification of the Montreal Interim Agreement, which imposes limited, but absolute, liability on air carriers. Mr. Kennelly discusses the current state of aviation law regarding damages for passengers' injuries.

Each of these gentlemen made a valuable contribution to the success of the Symposium on General Aviation, and the Board of Editors sincerely hopes that the presentation of these papers will provide the practicing aviation Bar with a source of information useful in dealing with general aviation problems.