

2019

## Front Matter

---

### Recommended Citation

*Front Matter*, 84 J. AIR L. & COM. i (2019)  
<https://scholar.smu.edu/jalc/vol84/iss2/1>

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 84

2019

NUMBER 2

---

---

## TABLE OF CONTENTS

### ARTICLES

Recent Developments in Aviation Law ..... *Patrick J. Kearns* 165

Property Rules for Martian Resources:  
How the SPACE Act of 2015 Increases  
the Likelihood of a Single Entity  
Controlling Access to Mars..... *Tyler Conte* 187

### REPRINT

Keeping the “Live” in Live Animal  
Air Cargo Transport ..... *Noreen Lanza* 229

### COMMENTS

#MeToo at 35,000 Feet: Reducing the  
Risk of In-Flight Sexual Assaults..... *Ryan Musser* 227

The 1,500-Hour Rule: When Does  
Quantity Outweigh Quality? ..... *Andrea Traut* 267

\*Winner of the International Aviation  
Womens Association Scholarship

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. 1-82) available from William S. Hein & Co., 2350 North Forest Road, Getzville, New York 14068. Volumes 83–84 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. 2018) and *Texas Rules of Form* (14th ed. 2018). 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 2019 by the Southern Methodist University Dedman School of Law.

ADVISORY BOARD

Gary W. Allen  
Attorney at Law  
Williamsburg, VA

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

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

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

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

John F. Pritchard  
Holland & Knight  
New York, NY

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

Don G. Rushing  
La Jolla, CA

H. Norman Kinzy  
SettlePou  
Dallas, TX

Mark R. Shaw  
Executive Vice President  
Chief Legal & Regulatory Officer  
Southwest Airlines  
Dallas, TX

Paul B. Larsen  
Attorney at Law  
Bainbridge Island, WA

Charles H. Smith  
Cantey Hanger LLP  
Dallas, TX

Robert Lawson  
Quadrant Chambers, Quadrant House  
London, England

Charles A. Tarpley  
Attorney at Law  
Dallas, TX

Allan I. Mendelsohn  
Attorney at Law  
Washington, DC

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

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

Windle Turley  
Turley Law Firm  
Dallas, TX

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

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

Marc S. Moller  
Kreindler & Kreindler  
New York, NY

# The Journal of Air Law and Commerce

VOLUME 84

2019

NUMBER 2

## THE SMU LAW REVIEW ASSOCIATION 2018 – 2019 BOARD OF EDITORS

### *President*

STACY REEVES GULLEDGE

### *Journal of Air Law & Commerce*

*Editor-in-Chief*  
ALEC SCHLINKERT

### *Texas Survey Editor-in-Chief*

AUSTIN BRAKEBILL

### *SMU Law Review*

*Editor-in-Chief*  
KELSEY FLORES

### *Journal of Air Law & Commerce*

*Managing Editor*  
JEFFERY ALLCORN

### *Texas Survey Associate*

*Managing Editors*  
KLAYTON HILAND  
JAKE WINSLETT

### *SMU Law Review*

*Managing Editor*  
KYLE MASON

### *JALC Associate Managing Editors*

KATIE MANWORREN  
CAROLINE REED

### *Online Executive Editor*

EMILY NASH

### *SMU Associate Managing Editors*

RICHARD COCHRANE  
LARA KAKISH  
JUAN FELIPE VELASQUEZ

### *Lead Articles Editors*

ALYSE CICIO  
BETHANY ECHOLS  
MACKENZIE FITZGERALD  
BRIAN LONG  
JONATHAN PETREE

### *Administrative Managing Editor*

MADELEINE GIESE

### *Casenote & Comment Editors*

TAMMIE BEASSIE BANKO  
BROOKE HAUGLID  
ALICIA PITTS  
LUKE STREIBER  
JENNIFER WILT

### *Projects Editors*

TIFFANY CRAWFORD  
ABEL LOZANO  
TAYLOR MICHALS

### *Articles Editors*

RACHEL ABOUKHAIR  
VICTORIA BAHRAMI  
CLAIRE BURDETTE  
DEVAN DAL COL  
TESS DENNIS

ROBIN FEATHERSTON  
JACKSON LONG  
MERRITT OWENS  
ADRIENNE ROBERTS  
CHANDLER ROGNES

EMILY SEMON  
DANIEL SEPULVEDA  
LAURA LINDSAY TATUM  
JOSEPH THELEN  
HUNTER WINSAUER

### *Air Law Symposium Editor*

TIMOTHY DOYLE

### *Symposium CLE Editors*

ELLEN HEIGHTEN  
AMY STEURER

### *Corporate Counsel*

*Symposium Editors*  
ANNA KATHERINE BONNET  
LAURA MARKS

### *Air Law Symposium Editor*

CHELSEA TILL

### *Journal of Air Law and Commerce*

*Faculty Advisor*  
GREGORY S. CRESPI

### *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

# The Journal of Air Law and Commerce

---

---

VOLUME 84

2019

NUMBER 2

---

---

## The SMU Law Review Association Proudly Announces Its 2018-2019 Staff

Madeline Ballard	Austin Ryan Musser
Madison Bertrand	Taylor Nifong
Hayden H. Brown	Luke Ohnmeis
Thomas Campbell	Peter "Alex" Paez
Danielle Canfield	Joshua Parisi
Stephen Chance	Tyler Petty
Pearl Choi	Andrea Reed
Seth Cleary	Emily Rhine
Andrea deLorimier	Dominic Riella
Jasmine DiLucci	Griffin Rubin
Zachary Faircloth	Amir Saboorian
Sophie Franks	Jane Morgan Scott
Cody Gackle	Jennifer Siegel
Madison Gafford	John Sivils
Christopher Gambini	Emily Smith
Shaquille Grant	Sarah Smith
Rowdy Haack	Jay Spring
William Hamilton	Amanda Stickney
Bridget Hamway	Thomas Tassin
Kaylee Henson	Andrea Traut
Nathaniel Hopkins	Tri Truong
Darin Huggins	Sean Valentine
JoAnn Mazoch	Joshua Vasquez
Jet McGuire	Cody Wilson
Landon Mignardi	Sara Zoglman
Sean Minorini	

## 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*  
Brad E. Cheves, *Vice President for Development and External Affairs*  
Christine C. Regis, *Vice President for Business and Finance and Treasurer*  
Paul J. Ward, *Vice President for Legal Affairs and Government Relations, General Counsel, and Secretary*  
Kenechukwu (K.C.) Mmeje, *Vice President for Student Affairs*  
Rakesh Dahiya, *Chief Investment Officer*  
Rick Hart, *Director for Athletics*

### DEDMAN SCHOOL OF LAW

#### FACULTY AND ADMINISTRATIVE STAFF

Jennifer Collins, B.A., J.D., *Judge James Noel Dean and Professor of Law*  
Jeffrey M. Gaba, B.A., J.D., M.P.H., *Senior Associate Dean for Academic Affairs and M.D. Anderson Foundation Endowed Professor in Health Law*  
Nathan Cortez, B.A., J.D., *Associate Dean for Research, Adelfa Botello Callejo Endowed Professor of Law in Leadership and Latino Studies, and Gerald J. Ford Research Fellow*  
Mary B. Spector, B.A., J.D., *Associate Dean for Clinics, Co-Director of the Civil Clinic, Director of Consumer Advocacy Project, and Professor of Law*  
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*  
Anne G. Beard, *Director of Development*  
Laura G. Burstein, B.A., J.D., *Director of Public Service and Director of Academic Success*  
Lynn McVicker Dempsey, B.B.A., *Director of External Relations*  
Erica Fadel, *Director of Career Services*  
Natalie Thompson Greco, *Director of Programs and Operations, Tsai Center for Law, Science, and Innovation*  
Kristy Offenburger, *Director of Communications and Marketing*  
Michelle A. Ray, *Director of Admissions*  
Rey Rodriguez, B.B.A., J.D., *Director of Career Services and Diversity and Inclusion Initiatives*  
Jerchel Anderson, E.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*  
Hillel J. Bavli, B.A., J.D., LL.M., M.A., Ph.D., *Assistant Professor of Law*  
Maureen N. Armour, B.A., M.S.W., J.D., *Professor Emeritus of Law*  
Misty Birdsong, B.A., J.D., *Adjunct Professor of Legal Research, Writing, and Advocacy*  
Lackland H. Bloom, Jr., B.A., J.D., *Larry and Jane Harlan Senior Research Fellow and Professor of Law*  
Chanté Brantley, B.S., M.S.S.W., J.D., *Director of the VanSickle Family Law Clinic and Assistant Clinical Professor*  
William J. Bridge, B.S.F.S., J.D., *Professor Emeritus of Law*  
Brook Busbee, B.A.S., J.D., *Adjunct Clinical Professor of Law, Criminal Justice Clinic*  
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 Emeritus of Law*  
Dale Carpenter, B.A., J.D., *Judge William Hawley Atwell Chair of Constitutional Law and Professor of Law*

Michaela E. Cashen, B.A., J.D., *Clinical Professor of Legal Research, Writing and Advocacy*

Eric Cedillo, B.S., J.D., *Adjunct Clinical Professor of Law, Consumer Advocacy Project*

David J. Cho, B.A., J.D., *Adjunct Clinical Professor of Law, Trademark Clinic*

Anthony J. Colangelo, B.A., J.D., LL.M., J.S.D., *Gerald J. Ford Research Fellow and Professor of Law*

James W. Coleman, B.A., J.D., *Associate Professor of Law*

Jennifer Collins, B.A., J.D., *Judge James Noel Dean 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., *Homer R. Mitchell Endowed Professor of Law in Commercial and Insurance Law, and Professor of Law*

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

Gail Daly, B.A., M.A., J.D., *Professor Emeritus 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., D. Min., *Clinical Professor of Legal Research, Writing, and Advocacy*

Linda S. Eads, B.A., J.D., *Professor Emeritus of Law*

Jeffrey M. Gaba, B.A., J.D., M.P.H., *Senior Associate Dean for Academic Affairs, M.D. Anderson Foundation Endowed Professor in Health Law, and Professor of Law*

Joanna L. Grossman, B.A., J.D., *Ellen K. Solender Endowed Chair in Women and the Law and Professor of Law*

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

Grant M. Hayden, B.A., M.A., J.D., *Professor of Law*

Patricia S. Heard, B.A., J.D., *Clinical Professor of Legal Research, Writing and Advocacy*

JoAnn A. Hubbard, B.S., J.D., *Clinical Professor of Legal Research, Writing and Advocacy*

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

Lolita Buckner Inniss, A.B., J.D., LL.M., Ph.D., *Sr. Associate Dean for Academic Affairs and Professor of Law*

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

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

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

Jeffrey Kahn, B.A., M.Phil., D.Phil., J.D., *Gerald J. Ford Research Fellow and Professor of Law*

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

Julie Lesser, B.A., J.D., *Adjunct Clinical Professor of Law, Innocence Clinic*

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

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

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

Michael McCollum, LL.B., *Adjunct Clinical Professor of Law, Criminal Justice Clinic*

Pamela R. Metzger, B.A., J.D., *Director of the Deason Family Criminal Law Reform Center 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*

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

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

Anna Offit, A.B., M.Phil, J.D., Ph.D, *Assistant Professor of Law*



Victoria Palacios, J.D., *Professor Emeritus of Law*  
Kenneth L. Penegar, A.B., J.D., LL.M., *Professor Emeritus of Law*  
W. Keith Robinson, B.S., J.D., *Co-Director of the Tsai Center for Law, Science and Innovation and Associate Professor of Law*  
C. Paul Rogers III, B.A., J.D., LL.M., *Marilyn Jeanne Johnson Distinguished Faculty Fellow, Professor of Law, and Former Dean*  
Julia P. Rogers, B.S.E.E., J.D., *Professor of Law*  
Eric M. Rubin, B.A., J.D., *Assistant Professor of Law*  
Meghan Ryan, A.B., J.D., *Gerald J. Ford Research Fellow and 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, Director of the Civil Clinic, Director of Consumer Advocacy Project, and 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 and Professor of Law*  
Heather L. Stobaugh, B.A., M.A., J.D., *Clinical Professor of Legal Research, Writing and Advocacy*  
Diane M. Sumoski, B.A., J.D., *Director of the W.W. Caruth, Jr. Child Advocacy Clinic, Director of the W.W. Caruth, Jr. Institute for Children's Rights, and Lecturer in Law*  
Joshua C. Tate, B.A., M.A., M.Phil. J.D., Ph.D., *Professor of Law*  
David O. Taylor, B.S., J.D., *Co-Director of the Tsai Center for Law, Science and Innovation and Associate Professor of Law*  
Walther Theiss, A.B., M.B.A., J.D., *Adjunct Clinical Professor of Law, Small Business Clinic*  
Elizabeth G. Thornburg, B.A., J.D., *Richard R. Lee Endowed Professor, Altschuler University Distinguished Teaching Professor, and Professor of Law*  
Jenia Iontcheva Turner, B.A., J.D., *Amy Abboud Ware Centennial Professor in Criminal Law*  
Jonni Walls, B.A., J.D., *Clinical Professor of Legal Research, Writing and Advocacy*  
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., *Professor Emeritus of Law*