

2023

Front Matter

Recommended Citation

Front Matter, 88 J. AIR L. & COM. ii (2023)

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 88

2023

NUMBER 2

TABLE OF CONTENTS

ARTICLES

RECENT DEVELOPMENTS IN AVIATION LAW *Brittany C. Wakim* 361

DEREGULATING CONSUMERS FROM THE
AIRLINE INDUSTRY—DOT’S PROPOSED
RULE IN RESPONSE TO U.S. AIRLINES’
REFUSAL TO REFUND UNUSED
TICKETS DURING COVID-19 *Alicia L. Hinton, Esq.* 433
Diana Hyunjin Malcolm

NON-GOVERNMENTAL ORGANIZATION
(NGO) PARTICIPATION IN CIVIL
AVIATION POLICY AND DECISION MAKING *Goran Petrović* 465

STUDENT COMMENT

THE AIRLINE PILOT SHORTAGE:
A RESULT OF AGE DISCRIMINATION OR
EXCESSIVE TRAINING REQUIREMENTS? *Katherine Hancock* 535

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 single issue orders within the state of Texas. Tax exempt institutions must include copy of 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 (volumes 1-84) are available from William S. Hein & Co.; 2350 North Forest Road; Getzville, NY 14068. Volumes 85-86 are available from the *Journal of Air Law and Commerce*, Southern Methodist University Dedman School of Law; P.O. Box 750116, Dallas, TX 75275-0116.

POSTMASTER: Send address changes to *Journal of Air law and Commerce*, Southern Methodist University, Dedman School of Law; P.O. Box 750116; Dallas, TX 75275-0116. Printed by Joe Christensen, Inc.; P.O. Box 81269; Lincoln, Nebraska 68501.

Citations conform with *The Bluebook: A Uniform System of Citation* (21st ed. 2020), *Texas Rules of Form* (14th ed. 2018), and *MoUS* (14th ed. 2018). Please note that due to the justification of the articles, citations to the 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 Dedman School of Law; P.O. Box 750116; Dallas, TX 75275-0116 or by email at jalc@smu.edu. Submitted manuscripts should be double-spaced. Footnotes rather than endnotes should be used and 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 inquires to the *Journal of Air Law and Commerce*, Southern Methodist University, Dedman School of Law; P.O. Box 750116; Dallas, TX 75275-0116.

Published quarterly by the SMU Law Review Association.

© Copyright 2023 by the Southern Methodist University Dedman School of Law

THE JOURNAL OF AIR LAW AND COMMERCE
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
Friday Harbor, WA

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

David T. Norton
Shackelford, Bowen, McKinley & Norton,
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
La Jolla, CA

Paul B. Larsen
Attorney at Law
Bainbridge Island, WA

Mark R. Shaw
Executive Vice President
Chief Legal & Regulatory Officer
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

Windle Turley
Turley Law Firm
Dallas, TX

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

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

The Journal of Air Law and Commerce

VOLUME 88

SPRING 2023

NUMBER 2

THE SMU LAW REVIEW ASSOCIATION 2023 – 2024 BOARD OF EDITORS

President

ELLIE JOHNSON

*SMU Law Review
Editor-in-Chief*
ELAN WILSON

*Texas Survey
Executive Editor*
SYDNEY HARPER

*Journal of Air Law & Commerce
Editor-in-Chief*
BRYCE PILAWSKI

*SMU Law Review
Managing Editor*
COLIN HICKL

*Texas Survey Associate
Managing Editors*
ZACHARY TIRITILLI
TYLER LAPORTE

*Journal of Air Law & Commerce
Managing Editor*
GRACE WOOTEN

*SMU Law Review
Associate Managing Editor*
MACKENZIE ARNOLD
HANNAH FOOTE
MATTHEW MUSSALLI

Forum Associate Editor
RACHEL BRACHMAN

*Journal of Air Law & Commerce
Associate Managing Editors*
EMILY DAIGLE
RACHEL GILLESPIE
TERRENCE WICKS

Forum Associate Managing Editor
RILEY GESLING

Lead Articles Editors
SOPHIE PRICE
JACKSON OVERTON
MIRANDA CASSIDY
JACE BREEDLOVE
LUKE NGUYEN

Administrative Managing Editor
ELIZABETH KIRKLAND

Forum Assistant Executive Editor
DEBORAH MANSON

Casenote & Comment Editors
CAROLINE R. ROBERTSON
ZACHARY GRIGG
EMMY EDWARDS
JULIA TURNER
SUZI GOEBEL
EMAAN BANGASH

ALENA KHAN
CHRISTOPHER VAN SLYKE
DANIEL VARON
EMIL MEINTJES
JACOB DESELMS
KARA ANDERSON
SARAH LENGVEL
TATUM HOLDAWAY

Articles Editors
ANDREW PRICE
COLE WEISS
DARREN CHEN
EMMA RILEY
JILLIAN DOUGHTY
MEGAN THOMAS
SHAHIN ZANGENEH
VICTORIA GREGORY

BAILEY HOOKER
COREY RACKLER
DREW RAYMOND
JACE ZETT
JULIAN KHAIRA
NATALIE DARGENE
SPENCER CHAIKEN
ZACHARY ANDERSON

*Corporate Counsel
Symposium Editors*
SERENE ZIDAN
OLIVIA MAE VRIELINK

Symposium CLE Editor
GRAYSON FELNER

Air Law Symposium Editors
SAMUEL ROSENBLOOM
OLIVIA CAHILL
ALTAF SAMNANI

Library Advisor
CASSIE WALKER

Faculty Advisor
THOMAS WM. MAYO

Journal Coordinator
LISA PONCE

Administrative Assistant
TALIBRA FERGUSON

MEMBER, NATIONAL CONFERENCE OF LAW REVIEWS

THE SMU LAW REVIEW ASSOCIATION PUBLISHES THE SMU LAW REVIEW, THE JOURNAL OF AIR LAW AND COMMERCE, THE ANNUAL TEXAS SURVEY, AND THE SMU LAW REVIEW FORUM

The Journal of Air Law and Commerce

VOLUME 88

SPRING 2023

NUMBER 2

THE SMU LAW REVIEW ASSOCIATION PROUDLY ANNOUNCES ITS 2022–2023 STAFF EDITORS

KARA ANDERSON
ZACHARY ANDERSON
MACKENZIE ARNOLD
EMAAN BANGASH
RACHEL BRACHMAN
JACE BREEDLOVE
OLIVIA CAHILL
MIRANDA CASSIDY
SPENCER CHAIKEN
DARREN CHEN
EMILY DAIGLE
NATALIE DARGENE
JACOB DESELMS
JILLIAN DOUGHTY
EMMY EDWARDS
GRAYSON FELNER
HANNAH FOOTE
RILEY GESLING
RACHEL GILLESPIE
GARETT GODKIN
SUZI GOEBEL
VICTORIA GREGORY
ZACHERY GRIGG
SYDNEY HARPER
COLIN HICKL
TATUM HOLDAWAY
BAILEY HOOKER
ELLIE JOHNSON
JULIAN KHAIRA
ALENA KHAN

ELIZABETH KIRKLAND
TYLER LAPORTE
SARAH LENGYEL
DEBORAH CLAIRE MANSON
EMIL MEINTJES
MATTHEW MUSSALLI
LUKE NGUYEN
JACKSON OVERTON
BRYCE PILWASKI
ANDREW PRICE
SOPHIE PRICE
COREY RACKLER
DREW RAYMOND
EMMA RILEY
CAROLINE RILEY ROBERTSON
SAMUEL ROSENBLOOM
ATLAF SAMNANI
MEGAN THOMAS
ZACHARY TIRITILLI
JULIA TURNER
CHRISTOPHER VAN SLYKE
DANIEL VARON
OLIVIA MAE VRIELINK
COLE WEISS
TERRENCE WICKS
ELAN WILSON
GRACE WOOTEN
SHAHIN ZANGENEH
JACE ZETT
SERENE ZIDAN

SOUTHERN METHODIST UNIVERSITY DEDMAN SCHOOL OF LAW

OFFICERS OF THE UNIVERSITY

R. Gerald Turner, *President*
Elizabeth Lobo, *Provost and Vice President for Academic Affairs*
Brad E. Cheves, *Vice President for Development and External Affairs*
Christine C. Regis, *Vice President and Treasurer, Business and Finance*
Harold W. Stanley, *Vice President for Executive Affairs*
Paul J. Ward, *Vice President for Legal Affairs and Government Relations, General Counsel, and Secretary to the Board of Trustees*
Kenechukwu (K.C.) Mmeje, *Vice President for Student Affairs*
Dr. Maria Dixon Hall, *Chief Diversity Officer and Senior Advisor to the President for Cultural Intelligence*
Michael H. Hites, *Chief Information Officer*
Rakesh Dahiya, *Chief Investment Officer*
Rick Hart, *Director for Athletics*
Chandra McQueen, *Director of Internal Audit and Consulting Services*
Samantha Thomas, *Executive Director for Institutional Access and Equity, Executive Assistant to the President*

DEDMAN SCHOOL OF LAW

ADMINISTRATIVE STAFF AND FACULTY

Jason P. Nance, B.A., Ph.D., J.D., *Judge James Noel Dean, and Professor of Law*
Thomas Wm. Mayo, B.A., J.D., *Senior Associate Dean for Academic Affairs, Altschuler Distinguished Teaching Professor, and Professor of Law*
Jessica Dixon Weaver, B.A., J.D., *Associate Dean for Research, and Professor of Law*
Greg Ivy, B.B.A., M.A., J.D., *Associate Dean for Library & Technology, Underwood Law Library, and Senior Lecturer*
Mary B. Spector, B.A., J.D., *Associate Dean for Experiential Learning, Director of the Civil/Consumer Clinic, and Professor of Law*
Martin L. Camp, B.A., J.D., *Assistant Dean for Graduate and International Programs and Professor of Practice*
Christine Leatherberry, B.J., J.D., *Assistant Dean for Administration and Chief of Staff*
Erika Fadel, B.A., M.Div., J.D., *Assistant Dean for Diversity, Equity, and Inclusion*
Jill Nikirk, B.A., J.D., *Assistant Dean for Admissions*
Marcie Davis, 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*
Misty Birdsong, B.A., J.D., *Director of Academic Success and Clinical Professor of Legal Research, Writing, and Advocacy*
Chanté Brantley, B.S., M.S.S.W., J.D., *Director of the VanSickle Family Law Clinic and Associate Clinical Professor*
Laura G. Burstein, B.A., J.D., *Director of Public Service*
Ruth A. Cross, B.A., J.D., *Director and Clinical Professor of Legal Research, Writing, and Advocacy*
Lynn McVicker Dempsey, B.B.A., *Director of External Relations*
Ashley Ellis, B.A., J.D., *Director of Alumni Relations*
Clayton Ellis, B.A., *Director of Development*
Natalie Thompson Greco, *Director of Programs and Operations, Tsai Center for Law, Science, and Innovation*
Robert B. (Bob) Weathersby, Esq., B.S., J.D., *Director Large Firms and Local Government – Office of Career Services*
Beth D. Lee, B.B.A., *Director, Corporate and Private Sector Development – Office of Career Services*
Smitha Mathews, B.S., J.D., *Director Mid-size, Small and Boutique Firms – Office of Career Services*
Mary Beth Nielsen, B.A., M.A., *Director Judicial Internships, Externships and Post-Graduate Clerkships – Office of Career Services*
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 Clinical Professor of Law*

Cassie Walker, M.L.I.S., J.D., *Director of Advocacy Programs and Assistant Director for Scholarly Initiatives*

Kandace Walter, B.S., J.D., *Director and Associate Clinical Professor of Law, Small Business and Trademark Clinic*

Moiria Cary, B.A., *Associate Director of Recruiting and Events – Office of Career Services*

Courtney Cowan, B.B.A., J.D., *Associate Director of Admissions*

Tom Kimbrough, M.L.I.S., J.D., *Associate Director for Collection Development – Underwood Law Library*

Donna Wolff, M.L.S., J.D., *Associate Director – Underwood Law Library*

Bobbie Heine, *Assistant Director for Graduate Legal Programs*

Laura Amberson, B.S., *Registrar*

Timothy Gallina, M.L.I.S., J.D., *Research and Faculty Services Librarian*

Melissa Lara, B.B.A., *Financial Business Manager*

Roy R. Anderson, B.A., J.D., LL.M., A.M., *Professor Emeritus of Law*

Maureen N. Armour, B.A., M.S.W., J.D., *Professor Emeritus of Law*

Hillel J. Bavli, B.A., J.D., LL.M., A.M., Ph.D., *Associate Professor of Law*

Lackland H. Bloom, Jr., B.A., J.D., *Larry and Jane Harlan Senior Research Fellow and Professor of Law*

William J. Bridge, B.S.F.S., J.D., *Professor Emeritus of Law*

Dale Carpenter, B.A., J.D., *Judge William Hawley Atwell Chair of Constitutional Law and Professor of Law*

Carliss Chatman, B.A., J.D., *Associate Professor of Law*

Anthony J. Colangelo, B.A., J.D., LL.M., J.S.D., *Robert G. Storey Distinguished Faculty Fellow and Professor of Law*

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

Nathan Cortez, B.A., J.D., *Adelfa Botello Callejo Endowed Professor of Law in Leadership and Latino Studies, and Gerald J. Ford Research Fellow*

Gregory S. Crespi, B.S., M.S., Ph.D., J.D., *Homer R. Mitchell Endowed Professorship in Commercial and Insurance Law, and Professor of Law*

Gail Daly, B.A., M.A., J.D., *Professor Emeritus of Law*

William V. Dorsaneo III, B.A., J.D., *Professor Emeritus 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*

Monika Ehrman, B.Sc., J.D., LL.M., *Professor of Law*

Jeffrey M. Gaba, B.A., J.D., M.P.H., *Professor Emeritus 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*

Christine Hurt, B.A., J.D., *Alan R. Bromberg Centennial Chair in Corporate, Partnership, Business, and Securities Law and Professor of Law*

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

Jeffrey Kahn, B.A., M.Phil., D.Phil., J.D., *University Distinguished Professor, Altshuler Distinguished Teaching Professor, and Professor of Law*

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

Anna A. Mance, B.A., M.S.-MDP, J.D., *Assistant Professor of Law*

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

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

Sari Mazzurco, B.A., J.D., Ph.D., *Assistant Professor of Law*

Pamela R. Metzger, B.A., J.D., *Director of the Deason Criminal Justice 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*

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

Joseph J. 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*

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*

Carla L. Reyes, B.A., J.D., LL.M., M.P.P., *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. Ruben, B.A., J.D., *Professor of Law*

Meghan Ryan, A.B., J.D., *Co-Director of the Tsai Center for Law, Science and Innovation, Altshuler Distinguished Teaching Professor, and Professor of Law*

Christina Sautter, B.A., J.D., *Professor of Law*

Jennifer Rangel Stagen, B.A., J.D., *Clinical Professor of Legal Research, Writing and Advocacy*

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*

Joshua C. Tate, B.A., M.Phil. J.D., Ph.D., *Professor of Law*

David O. Taylor, B.S., J.D., *Robert G. Storey Distinguished Faculty Fellow, Co-Director of the Tsai Center for Law, Science and Innovation, and Professor of Law*

Elizabeth Lee Thompson, B.A., J.D., M.A., Ph.D., *Clinical Assistant Professor of Legal Research, Writing and Advocacy*

Elizabeth G. Thornburg, B.A., J.D., *Professor Emeritus of Law*

Jenia Iontcheva Turner, B.A., J.D., *Amy Abboud Ware Centennial Professor in Criminal 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*

Leo Yu, LL.B., LL.M., J.D., *Clinical Professor of Legal Research, Writing, and Advocacy*