

# Journal of Air Law and Commerce

---

Volume 89 | Issue 1

Article 1

---

2024

## Front Matter

---

### Recommended Citation

*Front Matter*, 89 J. AIR L. & COM. i (2024)

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 89

2024

NUMBER 1

---

---

## TABLE OF CONTENTS

### ARTICLES

TORT CLAIMS ARISING FROM MILITARY AIRCRAFT CRASHES ARE NOT PREEMPTED BY THE FEDERAL AVIATION ACT. . . . .	<i>Timothy A. Loranger Crawford Appleby</i>	3
ASSET-BASED FINANCING FOR SPACE ACTIVITIES: PROBLEMS AND PROPOSALS. . . . .	<i>Francesca Giannoni-Crystal</i>	33
ROUTE COMPETITION IN HONG KONG'S AVIATION INDUSTRY. . . . .	<i>Yizhang Qiu Sinchit Lai</i>	73
BOOK-AND-CLAIM SYSTEM FOR SUSTAINABLE AVIATION FUELS. . . . .	<i>Christine Kranich Sarah Joanna Haas</i>	111

### COMMENTS

SPACE MINING: RESTRICTED BY NON-APPROPRIATION; SET FREE BY PRINCIPLES OF PROPERTY . . . . .	<i>Isabelle M. Thibault</i>	161
--	-----------------------------	-----

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 1–87) are available from William S. Hein & Co.; 2350 North Forest Road; Getzville, NY 14068. Volume 88 is available from the *Journal of Air Law and Commerce*; Southern Methodist University Dedman School of Law; P.O. Box 750116, Dallas, TX 75275–0116, [jalc\\_admin@smu.edu](mailto:jalc_admin@smu.edu).

**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 Sheridan CJK Group, Sheridan PA, 450 Fame Avenue, Hanover, PA 17331.

---

Citations conform with *The Bluebook: A Uniform System of Citation* (21st ed. 2020), *Texas Rules of Form* (14th ed. 2018), and *MoUS* (15th ed. 2020). 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 [jalceic@smu.edu](mailto:jalceic@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 [jalc\\_admin@smu.edu](mailto:jalc_admin@smu.edu) or 214-768-2570.

Published quarterly by the SMU Law Review Association.

© Copyright 2021 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 89

WINTER 2024

NUMBER 1

---

## 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

*Forum Executive Editor*  
RACHEL BRACHMAN

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

### *Associate Managing Editors*

MACKENZIE ARNOLD  
HANNAH FOOTE  
MATTHEW MUSSALLI

ZACHARY TIRITILLI  
TYLER LAPORTE  
RILEY GESLING

EMILY DAIGLE  
RACHEL GILLESPIE  
TERRENCE WICKS

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

*Chief Comment Editor*  
ZACHERY A. GRIGG

*Comment Editors*  
CAROLINE RILEY ROBERTSON  
EMMY EDWARDS  
JULIA TURNER  
SUZI GOEBEL  
EMAAN BANGASH

*Forum Assistant  
Executive Editor*  
DEBORAH CLAIRE MANSON

### *Administrative Managing Editor* ELIZABETH KIRKLAND

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 CREEDON  
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

*Symposia 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 SMU ANNUAL TEXAS SURVEY, AND THE SMU LAW REVIEW FORUM

# The Journal of Air Law and Commerce

---

VOLUME 89

WINTER 2024

NUMBER 1

---

## THE SMU LAW REVIEW ASSOCIATION PROUDLY ANNOUNCES ITS 2023–2024 STAFF EDITORS

NOOR AIN  
MATTHEW BEHAN  
CAMERON BONK  
WILLIAM CAGNINA  
MATTHEW CARDONE  
DAVID CARL  
COLE CONNOR  
ABIGAIL CRAVENS  
HOPE DAWSON  
BRIDGETTE DWYER  
MADISON GEIGER  
MADELYN GERRALD  
REESE GLUSING  
MADISON HUCKABY  
JENNY HULSE  
ALEX JACOVETTY  
AYESHA JAIN  
HARRISON JENKINS  
ABBIE JENNINGS  
KACI KATUSAK  
CAMERON KING  
BRADLEY KUCERA  
RACHEL KUP  
MORGAN LAING  
DAVID LANFORD  
BROOKE SUTTER  
KELLIE MAGUINNESS  
ELENA MAK

JACLYN MARSH  
CRISTINA MAULDIN  
LAUREL MCCABE  
MORGAN MCGREGOR  
ZACHARY MILLER  
IBRAHIM NASIR  
CHIARA NATALE  
TAREK NATSHEH  
CLAIRE NAYLOR  
MADELEINE NELSON  
EVAN OSCHERWITZ  
JOHANNA PANG  
BARCLAY PROCTOR  
RYAN PUENTE  
ROM REIDERMAN  
BEN SAMWAY  
MICHAEL SANDERS  
MASON SARVER  
LINDSEY SHAW  
JILLIAN SMOORENBURG  
SIERRA STONE  
LAWSON SUMLER  
ANDREA VILLALPANDO  
JONATHAN VIVAT  
EASTON WILSON  
RINA WONG  
ARIANA WU

## 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*  
Kenekchukwu (K.C.) Mmeme, *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, Altshuler  
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*  
 Moira 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*  
 Bobbye 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*

#### FACULTY

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., *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. Ruben, B.A., J.D., *Associate 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*