Recommended Citation

https://scholar.smu.edu/jalc/vol80/iss1/10

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.
TABLE OF CONTENTS

ARTICLES

Including Aviation in the European Union Scheme for Emission Allowance Trading: Stimulating Global Market-Based Measures ....................... Melle Bakker 3

Development Fee in India Airports—A Case Study ........................... Moses George 17

A Legal Analysis of 14 C.F.R. Part 91 “See and Avoid” Rules to Identify Provisions Focused on Pilot Responsibilities to “See and Avoid” in the National Airspace System ........... Professor Ernest E. Anderson, J.D. 53

Professor William Watson, J.D.
Douglas M. Marshall, J.D.
Kathleen M. Johnson, J.D.

CASE NOTES

The Montreal Convention—The Eleventh Circuit Embraces Airlines’ Practice of “Bumping” to Deny Plaintiffs’ Recovery for Personal Injury Under Article 17 ... Lindsey Ray Altmeyer 239

A Slip of the Tongue: How the Supreme Court Placed Airline Immunity in the Clouds......... Chase Cobern 249

Breadth of the ADA Preemption Provision—Morales and Wolens Reaffirmed and the Extension to the Common Law .......... Hannah Mason 259

The Montreal Convention’s Statute of Limitations—A Failed Attempt at Consistency .......... Allison Stewart 267

Employment Law—The FAA’s Exemption from the FLSA-Mandated Overtime-Pay Provision After the Appropriations Act of 1996 ............ Wendy Wilkins 277
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. 1-77) available from William S. Hein & Co., 2350 North Forest Road, Getzville, New York 14068. Volumes 78–79 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* (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 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 2015 by the Southern Methodist University Dedman School of Law.
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
Roche Harbor, WA

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

David T. Norton
Shackelford, Melton & McKinley, 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
Morrison & Foerster LLP
San Diego, CA

Paul B. Larsen
Attorney at Law
Bainbridge Island, WA

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

Robert Lawson
Quadrant Chambers, Quadrant House
London, England

Charles H. Smith
Cantey Hanger LLP
Dallas, TX

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

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

Dr. Pablo M.J. Mendes de Leon
Director, Int'l Institute 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
THE SMU LAW REVIEW ASSOCIATION
2014 – 2015 BOARD OF EDITORS

President
SCOTT LARSON

Journal of Air Law & Commerce
Editor-in-Chief
ANDRIA RAE MINYARD

SMU Law Review
Editor-in-Chief
BRYAN CLEGG

Journal of Air Law & Commerce
Managing Editor
EMILY LEEZER LANDEROS

Texas Survey Editor
KELLI GAVIN

SMU Law Review
Managing Editor
JOSHUA PELFREY

Associate Texas Survey Editors
ALLISON CHILDS
MICHAEL SHEETZ

JALC Associate Managing Editors
JOHN ATKINS
JENNY SMILEY

Lead Articles Editors
FAHAD JUNEJA
CHRISTOPHER KNIGHT

SMU Associate Managing Editors
HUY LY
CHEYENNE ROGERS

Articles Editors
ANNA BOOTH
AARON CHIBLI
CC COPELAND
CODY CRAVENS
JAIME DEWEESE
NINA DINH
ERIK FOUNTAIN

RACHEL FREEMAN
DEAN GALARO
ALLYSON GAULT
NICOLE HAGET
TROY HALE
ERIC HEDLUND
SETH JASKOVIAK

MEAGAN LANIER
ANGELA OLIVER
JOHN MCGREGOR
CATHERINE PETERMAN
JESSICA PHILLIPS
AMY RAUCH
KYLE ZUNKER

Executive Editor
FARSHEED FOZOUNI

SMU Comment Editors
SAMUEL BRAGG
JAMES LUCAS
KELSEY TAYLOR

Air Law Symposium Editor
HEATHER MCKINNEY

Administrative Managing Editors
ALEX POOR
SETH RASMUSSEN

Corporate Counsel Symposium Editors
JILLIAN BRYTHAN
CLINTON KUYKENDALL

Air Law Associate Symposium Editor
CASSIE SUTTLE

Symposium CLE Editors
ASHLEY DEWEESE
J. BRYAN WHITE

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

SMU Law Review Faculty Advisor
THOMAS W. MAYO
ANTHONY J. COLANGELO

Journal of Air Law and Commerce
Administrative Assistant
LISA BROWNING

Administraive Assistant
TALIBRA FERGUSON

THE SMU LAW REVIEW ASSOCIATION PUBLISHES BOTH
THE SMU LAW REVIEW AND THE JOURNAL OF AIR LAW AND COMMERCE
The SMU Law Review Association
2014-2015 Staff

Braxton Adamson
Lindsey Altmeyer
Uanna Milena Falcão
Alves
Michael Andrews
Taylor Anthony
Katherine Bailey
Brittany Benditz
William H. Betts III
Meredith Brewster
Leslie Brockhoeft
Bryant Buechele
Courtney Clay
Chase Cobern
Gary Enis
Amy Estes
Lucas Henry
Alexandra Hunt
Ryan Jones
Jaclyn Kalinoski
Jessica Kirk
Christie Latimer
Lauren Lieberman
Bethanie Livernois
Kent Love
Elizabeth Lyles
Christina Martinez
Squiers
Hannah Mason
Kayla McDaniel
Jeff Nanson
Samantha Pace
Andrew Palmer
Harrison Papaila
Alice K. Parker
Allison Payne
Haley Pomroy
Grant Robinson
Callum Ross
Jordan T. Sawyer
Devanshi Somaya
Sarah Michelle Stearns
Michael Walraven
Wendy Wilkins
William Williamson Jr.
Katherine Wright
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. Forrestor, 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
Articles