# Table of Contents

## Articles

<table>
<thead>
<tr>
<th>Title</th>
<th>Author(s)</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Just Culture and Accountability for Flight Safety Events in Australia and New Zealand</td>
<td>Christopher Griggs</td>
<td>441</td>
</tr>
<tr>
<td>Educational Malpractice and the Liability of Flight Training Providers</td>
<td>Peter M. Lindberg</td>
<td>463</td>
</tr>
<tr>
<td>Sharing Public Safety Helicopters</td>
<td>Henry H. Perritt, Jr.</td>
<td>501</td>
</tr>
<tr>
<td></td>
<td>Eliot O. Sprague</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Christopher L. Cue</td>
<td></td>
</tr>
</tbody>
</table>

## Comments

<table>
<thead>
<tr>
<th>Title</th>
<th>Author(s)</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Good Intentions, Bad Results, and Ineffective Redress: The Story of the No Fly and Selectee Lists and a Suggestion for Change</td>
<td>Eric Hedlund</td>
<td>597</td>
</tr>
<tr>
<td>Relaxing Restrictions on Cuba: More Air Travel Now Than Before</td>
<td>Jennifer Smiley</td>
<td>633</td>
</tr>
</tbody>
</table>
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. 1-76) available from William S. Hein & Co., 2350 North Forest Road, Getzville, New York 14068. Volumes 77-79 are available from the Journal of Air Law and Commerce, Southern Methodist University School of Law, P.O. Box 750116, Dallas, Texas 75275.

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 2014 by the Southern Methodist University Dedman School of Law.
Advisory Board

Gary W. Allen
Attorney at Law
Williamsburg, VA

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

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

Marc S. Moller
Kreindler & Kreindler
New York, NY

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

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

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

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

Eugene Jericho
Attorney at Law
Dallas, TX

John F. Pritchard
Holland & Knight
New York, NY

H. Norman Kinzy
SettlePou, P.C.
Dallas, TX

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

Paul B. Larsen
Georgetown University
Law Center
Washington, DC

Charles H. Smith
Cantey Hanger LLP
Dallas, TX

Robert Lawson
Quadrant Chambers, Quadrant House
London, England

Charles A. Tarpley
Attorney at Law
Dallas, TX

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

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

Allan I. Mendelsohn
Cozen O'Connor
Washington, DC

Windle Turley
Turley Law Firm
Dallas, TX

Dr. Pablo M.J. Mendes de Leon
Director, Int'l Institute of Air & Space Law
University of Leiden
The Netherlands

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

VOLUME 79    SUMMER 2014    NUMBER 3

SMU LAW REVIEW ASSOCIATION
2013 – 2014 BOARD OF EDITORS

President
HEATHER COGHAN

Journal of Air Law & Commerce
Editor-in-Chief
JACQUI BOGUCKI

SMU Law Review
Editor-in-Chief
LANCE WYATT

Journal of Air Law & Commerce
Managing Editor
LAURA ARBEITER

Texas Survey Editor
BRANDON BELLOWS

SMU Law Review
Managing Editor
PHONG TRAN

Associate Texas Survey Editors
JAMES BEDOTTO
KATIE CRISTINA

JALC Associate Managing Editors
ELIZABETH GRIFFIN
MATTHEW Moran

Lead Articles Editors
NATHAN LEE
ROUZHNA NAYERI
PHILLIP SANDERS

SMU Associate Managing Editors
ASHTON BARRINEAU
LINDSEY HOVLAND

Articles Editors
ZUNNY LOSOYA
BRIAN PARRISH
SAMUEL PINKSTON
BAIN SELLERS

ROSS STAINE
CLARKE STAVINOH
DONALD STEADMAN
NATHAN THOMPSON
JERRY TICE

JALC Comment Editors
BLAKE FEIKEMA
MICHELLE NORTHGUTT

Executive Editor
CHRISTINA GIGLIOTTI

SMU Comment Editors
RENEE HUNTER
NICOLAS LOW
CYNTHIA WEBER

Air Law Symposium
Editor
JASON GLENNON

Administrative Managing Editors
CHRIS LAMBERT
WILLIAM TRAn

Corporate Counsel Symposium Editors
JESSICA GREENWALD
BROOKE PANO
KYLE PARK

Air Law Associate Symposium Editor
KIMBERLY FALGOUT

Symposium CLE Editors
JUN LI
JOSHUA TYLER SHELTON

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

SMU Law Review Faculty Advisor
THOMAS WM. MAYO
ANTHONY J. COLANGELO
JOSHUA C. TATE

Journal of Air Law and Commerce
Administrative Assistant
LISA BROWNING

SMU Law Review
Administrative Assistant
DONNAISE BALDWIN

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 SMU LAW REVIEW ASSOCIATION PROUDLY ANNOUNCES
ITS 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
Leisl Brochhoeft
Bryant Buechele
Courtney Clay
Chase Cobern
Gary Enis
Amy Estes
Rachel Freeman
Dean Galaro
Troy Hales
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
Angela Oliver
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
Christine C. 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

Jennifer M. Collins, B.A., J.D., Judge James Noel Dean 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.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
Becca Lickteig, B.A., J.D., Director of Admissions
Laura Amberson, B.S., Registrar

FACULTY

John B. Attanasio, B.A., J.D., LL.M., Dipl. in Law, Judge William Hauley 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
Jennifer M. Collins, B.A., J.D., Judge James Noel Dean and 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
Gail M. Daly, B.A., M.A., J.D., Associate Dean for Library and Technology, Director of the Underwood Law Library, and Associate Professor of Law
David E. DePianto, B.A., J.D., Ph.D., Assistant Professor 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. Dur6us, B.A., J.D., Th.M., Senior Lecturer in Law
Linda S. Evans, B.A., J.D., Associate Provost and Associate Professor of Law
Julia P. Forrester, B.S.E.E., J.D., Dean ad interim and Professor of Law
Jeffrey M. Gaba, B.A., J.D., M.P.H., Professor of Law
Christopher H. Hanna, B.S., J.D., LL.M. (in Taxation), Altshuler University Distinguished Teaching Professor and Professor of Law
Patricia S. Heard, B.A., J.D., Senior Lecturer in Law
JoAnn A. Hubbard, B.S., J.D., Senior Lecturer in Law
Christopher M. Jenks, B.S., J.D., LL.M., LL.M. (with distinction), Director of the Criminal Justice Clinic and Assistant Professor of Law
Larry Jones, B.B.A., B.A., J.D., Director of Federal Tax Clinic and Small Business Clinic
Jeffrey Kahn, B.A., M.Phil., D.Phil., J.D., Associate Professor of Law
Ndiva Kofele-Kale, B.A., M.A., Ph.D., J.D., University Distinguished Professor and Professor 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., Senior Associate Dean for Academic Affairs and George W. Hutchison Professor of Energy 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 Associate Professor of Law
Orly Sulami Mazur, B.B.A., M.P.A. (summa cum laude), J.D. (Order of the Coif), LL.M., Assistant Professor of Law
Joseph W. McKnight, B.A., B.A., B.C.L., M.A., LL.M., Larry and Jane Harlan Faculty Fellow 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., IIL.M. (in Taxation), Professor Emeritus of Law
Xuan-Thao Nguyen, B.A., J.D., Professor of Law
Joseph Jude Norton, A.B., LL.B., IIL.M, S.J.D., D.Phil., Distinguished Faculty Fellow in Financial Institutions, Professor of Law, and James L. Walsh Distinguished Faculty Fellow
Victoria Palacios, J.D., Associate Professor of Law
Kenneth L. Penegar, A.B., J.D., IIL.M., Professor Emeritus of Law
Roark M. Reed, B.S., B.A., J.D., Professor Emeritus of Law
W. Keith Robinson, B.S., J.D., Assistant Professor of Law
C. Paul Rogers III, B.A., J.D., LL.M., Professor of Law and former Dean
Meghan Ryan, A.B., J.D., Assistant Professor of Law
Eliot Shavin, B.A., J.D., Supervising Attorney, Civil Clinic
Ellen K. Solender, A.B., J.D., Professor Emerita of Law
Mary B. Spector, B.A., J.D., Co-Director of Civil Clinic, Director of Consumer Law Project, and Associate 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
Heather Stobaugh, B.A., M.A., J.D., Lecturer in Law
Joshua C. Tate, B.A., M.A., M.Phil. J.D., Ph.D., Associate Professor of Law
David O. Taylor, B.S., J.D., Assistant Professor of Law
Elizabeth G. Thornburg, B.A., J.D., Professor of Law
Sarah Tran, B.S., J.D., Assistant Professor of Law
Jenia Ioncheva Turner, B.A., J.D., Professor of Law
Jonni Walls, B.A., J.D., Lecturer in Law
Jessica Dixon Weaver, B.A., J.D., Assistant 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., James Cleo Thompson Sr. Professor of Law
Articles