

SAN JOSE STATE UNIVERSITY
DEPARTMENT of AVIATION & TECHNOLOGY
Aviation Law - 173

<u>Semester:</u>	Spring, 2017	<u>Instructor:</u>	Glynn Falcon, Attorney at Law
<u>Room:</u>	Boccardo Center 320	<u>Office:</u>	IS-133C
<u>Section:</u>	AVIA-173-01	<u>Phone:</u>	408-924-3203 office, 650-400-1523 cell
<u>Course #:</u>	22228	<u>e-mail:</u>	ProfFalcon@AOL.com
<u>Credits:</u>	3	<u>Office Hrs:</u>	Mondays 1:30 to 2:50, Wednesdays 10:30 to 11:50.
<u>Days:</u>	Mondays		Other times by prior arrangement. I am not on campus on Tuesdays,
<u>Time:</u>	3:00 p.m. to 5:45 p.m.		Thursdays, or Fridays. I am always available by email, and by cell phone at reasonable times (but I will only answer if I can identify you with caller ID).

Bio - Glynn Falcon

California attorney in private practice for 43 years, a part-time SJSU Aviation instructor since 1977, a FAA certified flight instructor (airplanes, instrument, multi-engine) and ground instructor for over 50 years. I graduated from SJSU as an Aviation Operations major, Business minor. I am a past-president of the Flying 20s flying club (1969-70), and of the Palo Alto Bar Association (2004). I have been teaching aviation courses at the college level for over 47 years [Foothill-DeAnza CC, ERAU]. As attorney, I've handled a variety of aviation legal matters ranging from major air crash disaster litigation, light plane crashes, ownership disputes, and FAA enforcement actions, to being legal advisor to aviation businesses. I fly a 1968 Piper Arrow (full IFR/G) out of KOAR. My mission: to help steer Aviation at SJSU into being the best aviation program in the country.

Course Content

“*Aviation Law*,” is a compilation of existing laws and case precedents, mostly maritime, with infusion of specialized regulations for the industry, operators, and airspace. This course will look at the aviation law in its broadest sense and study the impact to which various fields of law bear upon aviation. Discussions on general law concepts which are fundamental and foundational to all of the other specific topics reviewed during the course. Consideration of the conflicting rights which exist between individuals, industry, and the public at large in terms of aircraft and airport operations. Regulations will be reviewed which impact pilots, commercial aviation industry, and aviation, generally, and specifically, the legal problems which are experienced by fixed base operators, manufacturers, and the operators of aircraft. Importantly, the legal ramifications flowing from the terrorist events of 9/11 will be explored.

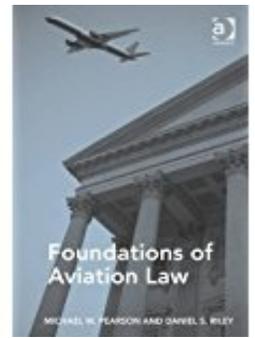
Catalog Description

Law and legal issues in aviation from both a national and international perspective. Rights and responsibilities of individuals, organizations, and the aviation community. Regulations and liability pertaining to the design, manufacture, operation and maintenance of aircraft.

Objectives

During this “survey” course, it is hoped that the students will develop a feel for the many ways that legal rights and obligations can effect all phases of the aviation industry. It is my objective to assist the students in learning how to approach critical decisions related to aviation such as a lawyer would approach them. While this course will not take the place of a law school education, or years of practice, it is hoped that upon completion of this semester, you will be able to *recognize* situations involving legal issues, and then have an awareness of the methodologies available to approach, solve and/or resolve aerospace legal problems. Your participation and preparation is required, as a modified Socratic teaching method will be utilized.

Prerequisites: AVIA 78; but “Business Law” would be VERY helpful.



Required Texts and Materials

1. ***Foundations of Aviation Law*** - by Michael Pearson & Daniel Riley,
(Amazon for \$40 -61) (2015), Ashgate Publishing.
(Kindle) ISBN 978-1-4724-4560-5

Reading Assignments, Homework, Weekly Assignments

You must have ***already*** read the assigned reading **prior to the start of class**. You must be ready to discuss and debate the assigned topics when called upon.

Key to Passing this Class

Pass the quiz given each week at the conclusion of each class. That means you must have already studied the assigned chapter material before you arrive at class. Then, I will lecture and discuss that material before giving the quiz on Canvas. A grade of Zero will be given for any missed quiz. Canvas will automatically remove your two lowest grade scores when calculating your final course grade (but not before).

Quiz # 1 will be given on Chapters 1 - 3 in class on January 30th. So get the book and start reading NOW!!!!

You will, from time to time, be assigned a case or legal issue to review and brief. The case may be from the reading material, e-mailed to you over the Internet, or found on the Internet to be downloaded. A “**brief**” is a one page description and analysis of the case containing the following:

- 1) The case name,
- 2) The decision date,
- 3) The main parties and real parties in interest (interest groups),
- 4) The court’s identity and the vote tally of the justices, (was it a split vote?)
- 5) The important facts giving the history of the case,
- 6) The central issue(s) in dispute and to be resolved,
- 7) The essence of each party’s primary arguments,
- 8) What was significant about the court’s holding, and
- 9) Was the court’s reasoning for the decision correct and relevant today?
- 10) What is your analysis of what was really going on here? (Look behind the scene, the political climate, the public perception, the social implications, etc.)

Grading

Outstanding work will be rewarded with an outstanding grade.

Midterm:	(objective):	30%.
Weekly Quizzes, Briefings, & Assignments:	(objective):	35% .
Final Exam:	(objective):	35%.

Comprehensive Final exam date is Wednesday, May 24 1215-1430, in Boccardo Business Center Room 320

Additional Reading & Resources

1. Aviation Accident Law - Lee S. Kreindler
2. Aviation Law - Andreas F. Lowenfeld
3. Journal of Air Law and Commerce (Law Journal from SMU)
4. Aviation Tort Law - Speiser and Krause
5. Aviation and the Law - Gesell
6. Aviation Law, Introduction - Rollo
7. General Aviation Law - Eichenberger
8. FindLaw.com
9. Practical Aviation & Aerospace Law - Scott Hamilton, Esq.

Reading / Briefing / Assignments

The schedule will need to be flexible as the semester progresses, and can be changed with or without notice. Check Canvas every day for updates and changes. **DO NOT contact me using Canvas - NEVER.** Use ProfFalcon@aol.com for all email communications.

<u>Week</u>	<u>Date</u>	<u>Chapters</u>	<u>Topic</u>
1	Jan. 30	1, 2, 3	Part I: FUNDAMENTAL PRINCIPLES OF LAW: Orientation, Jurisprudence and US Legal History, Legal System, Types & Sources of Law.
2	Feb. 6	4, 5	Part II: ADMINISTRATIVE LAW: Aviation Regulation, FAA Enforcement
3	Feb. 13	5(cont.), 6	Enforcement, Aviation Medical Certification
4	Feb. 20	7	Part III: AVIATION & THE LAW: Basic Principals of Liability, Accident Law
5	Feb. 27	7(cont.), 8	Accident Law, Accident Notification, Reports, Investigation, Criminal Law.
6	March 6	9	Aviation Labor Law
7	March 13	10	Part IV: AIRPORT LAW: Airport Zoning & Noise/Pollution Law
8	March 20	11	Airport Ownership & Operation. MIDTERM EXAM on Chapters 1 - 9.
	“		Bring a fully charged laptop, as Midterm exam is on Canvas.

No class **March 27 thru 31st** *Spring Break Friday March 27 - 31*

9	April 3	12	Airport Development & Funding, Review of Midterm.
10	April 10	13	Part V: Business Entities, Organizing Businesses to Limit Liability
11	April 17	13(cont.)	Aircraft Transactions & Buying & Selling aircraft
12	April 24	14	Aviation Insurance
13	May 1	15	Part VI: International Law
14	May 8	TBA	Space Law, UAV Law
15	May15		Review for Final Exam

Wednesday, May 24 **FINAL EXAM** Comprehensive

Final

Final exam date is Wednesday, May 24 1215-1430, in Boccardo Business Center Room 320 It's comprehensive, in-class, multiple choice and True-False, and closed book. Bring a fully charged laptop as the final exam is on Canvas.

Policy Statements

Note: A grade of “C-“ or better is required for all courses being used to satisfy any minor or major offered by the Department of Aviation, including preparatory courses.

Make-Ups and Late Work:

Usually, make-up of quizzes or assignments is not allowed. When allowed, it is only by giving prior notice of the problem and making arrangements for makeup, with supplied documentation for the absence. Please provide me with the arrest report, hospitalization admittance, or military orders showing dates away from SJSU.

Academic Integrity Standards and Policies

Academic honesty is expected without question in this course. Students who are found to have submitted materials that do not adhere to SJSU standards of academic integrity will suffer the following two consequences:

A grade of zero [0] will be given for the assignment in question; and
A report of the incident will be filed with the university. This report may stay on your permanent collegiate record.

You may also be subject to further disciplinary action being taken by the university.
For the SJSU policy on Academic Integrity, refer to: <http://www.sjsu.edu/senate/F06-2.pdf>

Academic integrity statement (from the Office of Student Conduct and Ethical Development):
“Your own commitment to learning, as evidenced by your enrollment at San José State University, and the University’s Academic Integrity Policy requires you to be honest in all your academic course work. Faculty members are required to report all infractions to the Office of Student Conduct and Ethical Development. The policy on academic integrity can be found at http://sa.sjsu.edu/student_conduct.

Campus policy in compliance with the Americans with Disabilities Act:
“If you need course adaptations or accommodations because of a disability, or if you need special arrangements in case the building must be evacuated, please make an appointment with me as soon as possible, or see me during office hours. Presidential Directive 97-03 requires that students with disabilities requesting accommodations must register with DRC to establish a record of their disability.”

More about Cheating.

At SJSU, cheating is the act of obtaining or attempting to obtain credit for academic work through the use of any dishonest, deceptive, or fraudulent means. Cheating at SJSU includes but is not limited to:

Copying in part or in whole, from another’s test or other evaluation instrument;

Submitting work previously graded in another course unless this has been approved by the course instructor or by departmental policy.

Submitting work simultaneously presented in two courses, unless this has been approved by both course instructors or by departmental policy.

Altering or interfering with grading or grading instructions;

Sitting for an examination by a surrogate, or as a surrogate;

any other act committed by a student in the course of his or her academic work which defrauds or misrepresents, including aiding or abetting in any of the actions defined above.

More about Plagiarism.

At SJSU plagiarism is the act of representing the work of another as one’s own (without giving appropriate credit) regardless of how that work was obtained, and submitting it to fulfill academic requirements.

Plagiarism at SJSU includes but is not limited to:

the act of incorporating the ideas, words, sentences, paragraphs, or parts thereof, or the specific substances of another’s work, without giving appropriate credit, and representing the product as one’s own work; and

representing another’s artistic/scholarly works such as musical compositions, computer programs, photographs, painting, drawing, sculptures, or similar works as one’s own.

Students With Disabilities

Campus policy. In compliance with the Americans with Disabilities Act:

“If you need course adaptations or accommodations because of a Disability, or if you need special arrangements in case the building must be evacuated, please make an appointment with your instructor as soon as possible, or see your instructor during office hours. Presidential Directive 97-03 requires that students with disabilities register with DRC to establish a record of disability.”

Cell Phones

Students should turn their cell phones off or put them on vibrate mode while in class. Should you have to take a cell phone call during class, simply leave the classroom and complete the call.

Computer Use

In the classroom, you may use computers only for class-related activities such as taking notes on the lecture underway, following the lecture on Web-based Power Point slides that the instructor has posted, and finding Web sites to which the instructor directs students at the time of the lecture. Students who use their computers for other activities or who abuse equipment in any way, at a minimum, will be asked to leave the class and lose participation points for the day, and may be referred to the Judicial Affairs Officer of the University for prohibited uses of campus computers (Such referral can lead to suspension from the University). Students are urged to report to their instructors computer use that they regard as inappropriate (i.e., used for activities that are offensive or not class related).