

SAN JOSE STATE UNIVERSITY
DEPARTMENT of AVIATION & TECHNOLOGY

Aviation Law - 173

Spring	2013	Instructor:	Glynn Falcon, Attorney at Law
Room:	IS-216	Office:	IS108B
Section:	AVIA-173-02	phone:	408-924-3203
Course code	29908	e-mail:	ProfFalcon@AOL.com
Credits:	3	Office Hrs:	IS-133C Tuesdays 11 to Noon. On Mondays & Wednesdays 11:45 to Noon and 1:15 to 1:30, I may be in IS216.
Date:	Mondays & Wednesdays		Other times, I am available by email and phone. Phone: Office: 408-924-3203; cell: 650-400-1523
Time:	12:00 p.m. to 1:15 p. m.		FINAL EXAM: Wednesday, May 15 from 0945-1200in IS 216.

Bio - Glynn Falcon

I have been a California attorney in private practice for 39 years, a SJSU Aviation instructor since 1977, a FAA certified flight instructor (airplanes, instrument, multi-engine) and ground instructor for over 46 years. I graduated from SJSU as an Aviation Operations major, and am a past-president of the Flying 20s flight club (1969-70), and of the Palo Alto Bar association (2004). I have been teaching college-level aviation courses for over 43 years. 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 advising aviation businesses. I fly my 1968 Piper Arrow (full IFR/G) out of RHV. When I am not engaged in any of the above activities, then it's likely I can be found on the golf course or working on my 1959 ChrisCraft 19' Continental "woody."

My mission is to modernize and revitalize this aviation program so that it can return to being the foremost aviation program in the country. For this, we need to offer flight training as part of the program.

Course Content

There is no distinct or separate body of law entitled "*Aviation Law*," but rather it is a compilation of existing laws and case precedents, 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. We will discuss general law concepts which are fundamental and foundational to all of the other specific topics reviewed during the course. We will consider 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. We will look at, 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.

OBJECTIVES

During this "survey" course, it is hoped that the students will develop a "feeling" 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 have an awareness of the methodologies available to solve or resolve aerospace legal problems. Participation and preparation is a must, as a modified Socratic teaching method will be utilized.

PREREQUISITES

None, but "Business Law" would be VERY helpful.

REQUIRED TEXTS AND MATERIALS

1. ***Practical Aviation Law*** - by Scott Hamilton, Esq., 2011 edition, Iowa State Press, publisher. ISBN 0-8138-1817-6

2. **Practical Aviation Law Workbook** - This is where you will find the chapter review questions that are due each week **before** the start of class. Deposit into your class D2L Dropbox.

READING ASSIGNMENTS, HOMEWORK, WEEKLY ASSIGNMENTS

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

KEY TO PASSING THIS CLASS

Each week you will be expected to have completed and submitted BEFORE class starts, some of the Chapter's Workbook questions. **Assignments are to be deposited in the "Desire2Learn" (D2L) web page for this class in Word .doc formats.** <https://sjsu.desire2learn.com/>

Using the first letter of your last name, answer the following for each Chapter Workbook Questions.

A - D answer every 4th question starting with #1

E - J answer every 4th question starting with #2

K - R answer every 4th question starting with #3

S - Z answer every 4th question starting with #4

Your answers to Chapter 1's workbook questions are due before 11:59 a.m. on Monday, January 28, 2013 (by way of example).

Some weeks you will also 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 the court's holding, and
- 9) What was the court's reasoning behind their decision.
- 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.)
- 11) You will be given case law or statutory research assignments from time to time, which may require you to go to the County Law Library.

GRADING

Outstanding work will be rewarded with an outstanding grade.

Midterm	(objective):	30%.
Final exam	(objective):	30%.
Briefings, assignments, and pop quizzes	(objective):	30% .
Class discussion & participation	(totally subjective)	10%

The Final exam date is Wednesday, May 15 from 0945-1200 in IS-216.

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

READING / BRIEFING / ASSIGNMENTS

(The schedule will need to be flexible as the semester unfolds, and can be changed with or without notice)

<u>Week</u>	<u>Date</u>	<u>Chapter Book</u>	<u>Topic</u>	<u>Homework from the Workbook</u> (Due before start of class)
		January 23	Orientation	
1	Jan. 28	1	Introduction, regulatory and international agencies	Ch. 1
2	Feb. 4	2	FAA Enforcement	2
3	Feb. 11	3	Aviation Medical Cases	3
4	Feb. 18	4	Basic Principals of Liability	4
5	Feb. 25	5	Organizing Businesses to Limit Liability	5
6	March 4	6	Aviation Insurances	6
7	March 11	7	Exculpatory Contracts	7
8	March 18	8	Airline Liability	8
8.5	MIDTERM EXAM on Wednesday, March 20 on the first 8 chapters. Bring Scantron 882-E			

(SPRING BREAK March 25 - 29, Holiday April 1)

9	Wed April 3	9	Government Liability	9
10	April 8	10	Accident Notification, reports, investigation	10
11	April 15	11	Buying & selling aircraft	11
12	April 22	12	Leasing, Management, Fractional Ownership	12
13	April 29	13 & 14	Airports & Airspace (both chapters)	13/14
14	May 6	15	General Employment Law	15
15	May 13	16	Airline Labor Law	16
	May 15		<u>FINAL EXAM</u>	

FINAL: Final exam date is Wednesday, May 15 0945-1200 in IS 216. It's comprehensive, in-class, and closed book. Bring a Scantron answer sheet and #2 pencil.

POLICY STATEMENTS

Academic integrity statement (from the Office of Student Conduct and Ethical Development):

“Your own commitment to learning, as evidenced by your enrollment at San Jose 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.”

Glynn Falcon’s Policy Statement: “Wisdom smiles upon bliss. But always file a NASA Aviation Safety Report.”