

Book Review

AVIATION LAW: CASES AND MATERIALS. BY ROBERT M. JARVIS, JAMES T. CROUSE, JAMES R. FOX, AND GREGORY S. WALDEN. DURHAM, NC: CAROLINA ACADEMIC PRESS, 2006. Pp. vii/947. \$110.00. ISBN: 1-59460-030-9.

AVIATION LAW: CASES AND MATERIALS – TEACHER’S MANUAL. BY ROBERT M. JARVIS, JAMES T. CROUSE, JAMES R. FOX, AND GREGORY S. WALDEN. DURHAM, NC: CAROLINA ACADEMIC PRESS, 2006. Pp. iii/90. N.P.

Reviewed by Rod D. Margo*

Anyone who has taught a class in aviation law will have experienced the frustration of attempting to assemble teaching materials for a course touching upon elements in such diverse disciplines as public international law, conflicts of law, contracts, torts, criminal law, government regulation, antitrust, and labor law, all the while praying that the students will have at least a basic grounding in aviation technology and the practical aspects of aircraft operation.

Fortunately, instructors and students can now turn to an extremely comprehensive and broadly focused book of cases and materials on the subject. This 976-page volume (680 pages of text and 260 pages of appendices), published in March 2006, reflects the diverse backgrounds and experiences of Professors Jarvis, Crouse, Fox and Walden, authors who boast impressive credentials in the field of aviation law.

The book, written in a contemporary and highly readable style, gathers together an extensive assortment of cases, law journal articles, reading notes, sample problems, and appendices. It begins with an analysis of the history of civil aviation (going back well before the epic flight of the Wright brothers at Kitty Hawk, North Carolina, in December 1903) and then proceeds to describe the birth of international aviation law and provide a discussion of the sources of modern aviation law. The book then

* Partner, Condon & Forsyth LLP, Los Angeles; adjunct professor, Institute of Air & Space Law, Montreal. Mr. Margo taught aviation law at the UCLA School of Law from 1982 to 1998.

deals with the legal regime applicable to aircraft, airmen (including pilots, mechanics, and flight attendants), passengers, cargo, and airports.

In the chapter on aircraft, the authors focus on registration and recordation of interests in aircraft, as well as the creation and enforcement of liens, and taxes applicable to aircraft. This chapter contains some excellent materials on aircraft products liability, including discussion of the General Aviation Revitalization Act (GARA) and the liability of the government under the Federal Tort Claims Act.

In the discussion on airmen, the authors deal with the licensing and regulation of pilots and mechanics. This chapter also includes an important discussion on flight attendants, including collective bargaining issues and the application of the Railway Labor Act.

The chapter on passengers contains a succinct survey of the law governing the liability of aircraft operators to passengers in domestic and international law, and admirably summarizes the principles of law applicable under the Warsaw and Montreal Conventions. In this chapter, the reader will find a useful introduction to the topic, though one is left with an inevitable sense of uncertainty about the extent to which established case law on the Warsaw Convention regime of liability (which was adopted in 1929, primarily to protect the nascent airline industry) will influence decisions on the Montreal Convention (which was adopted 70 years later, primarily to protect passengers and their heirs).

The chapter on cargo contains helpful material on the carriage of hazardous materials, as well as carrier liability for loss of or damage to cargo. The chapter also includes useful discussion on the security aspects of cargo carriage.

Finally, the book contains a chapter on the certification, operation and regulation of airports in the United States, including the thorny question of airport security. This chapter also includes a discussion on liability for damage caused on the surface – an area that has attracted considerable attention since September 11, 2001 – and the certification and regulation of air traffic controllers.

The authors have adopted an extremely practical approach to the subject, and have even gone to the trouble of including materials on aspects of ethics and professional responsibility which apply to the practice of aviation law. They raise the interesting question of how a young lawyer can become sufficiently competent in aviation law to comply with the ethical obligations to his or her client. Reading this book would certainly be a help!

Another helpful aspect of the book is its discussion of what a young lawyer should be aware of in searching out a suitable aviation law firm. So eager are the authors to assist the young aviation lawyer that refer-

ence is also included to sources from which one might obtain the names of aviation law practitioners around the world.

The book features an impressive appendix containing all the international treaties that any instructor could possibly need to refer to starting with the Paris Convention of 1919 and going all the way through to the Model Open Skies Agreement adopted by the United States in 2004. It also contains some entertaining references to popular culture, including well known television programs, which adds a somewhat human aspect to the materials.

While it is hard to find anything missing from this comprehensive work, this reviewer would have preferred to have seen more detailed treatment of the structure and workings of ICAO, as well as the process involved in the negotiation of bilateral air service agreements and the background to, and nature of, some of the current areas of disagreement between states in this area.

All told this is an extremely comprehensive and ambitious project which succeeds in providing the student with readily available materials for a vast assortment of topics in a vast and interesting field. This book – and its accompanying teacher's manual – will surely make the life of any aviation law instructor considerably easier. I highly recommend it.

