

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

<b><u>Semester:</u></b>	Spring, 2015	<b><u>Instructor:</u></b>	Glynn Falcon, Attorney at Law
<b><u>Room:</u></b>	IS-216	<b><u>Office:</u></b>	IS-133C
<b><u>Section:</u></b>	AVIA-173-02	<b><u>Phone:</u></b>	408-924-3203 office, 650-400-1523 cell
<b><u>Course #:</u></b>	23571	<b><u>e-mail:</u></b>	<a href="mailto:ProfFalcon@AOL.com">ProfFalcon@AOL.com</a>
<b><u>Credits:</u></b>	3	<b><u>Office Hrs:</u></b>	IS-133C Tuesdays 10:45 to Noon. Other days & times
<b><u>Days:</u></b>	Mondays & Wednesdays		TBA. I may be in IS-216 or the sim lab IS-133. Other times, I am
<b><u>Time:</u></b>	10:30 a.m. to 11:45 a. m.		available by email and phone.

**Final exam date is Tuesday, May 19, 2015 at 0945-1200 in IS 216.**

**Bio - Glynn Falcon**

I have been a California attorney in private practice for 41 years, a SJSU Aviation instructor since 1977, a FAA certified flight instructor (airplanes, instrument, multi-engine) and ground instructor for over 48 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 aviation courses at the college level for over 44 years [Foothill JC, 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 advising aviation businesses. I fly a 1968 Piper Arrow (full IFR/G) out of KOAR. When not engaged in any of the above activities, I can be found on a golf course or working on my 1959 "woody" ChrisCraft 19' Continental.

My mission is to help the aviation program return to being the foremost aviation program in the country.

**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.

**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. “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 the Canvas Dropbox.

### **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, debate, and argue the assigned topics when called upon.

### **KEY TO PASSING THIS CLASS**

Each week your team will be expected to have completed and submitted BEFORE class starts the assigned questions from the chapter’s Workbook. Assignments are to be deposited into the Dropbox in “Canvas” web page for this class in *Word.doc* formats.

Check Canvas to learn which team to which you have randomly been assigned.

- Team 1** - answer workbook questions, starting with #1, then 7, then 13, then 19, et seq.  
**Team 2** - answer workbook questions, starting with #2, then 8, then 14, then 20, et seq.  
**Team 3** - answer workbook questions, starting with #3, then 9, then 15, then 21, et seq.  
**Team 4** - answer workbook questions, starting with #4, then 10, then 16, then 22, et seq.  
**Team 5** - answer workbook questions, starting with #5, then 11, then 17, then 23, et seq.  
**Team 6** - answer workbook questions, starting with #6, then 12, then 18, then 24, et seq.

***Your answers to Chapter 1’s workbook questions are due before 10:29 a.m. on Wednesday, January 28, 2015 (by way of example).***

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Your Team 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%.
Final exam	(objective):	35%.
Briefings, assignments,	(objective):	35% .

**Final exam date is Thursday, May 15 at 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 progresses, and can be changed with or without notice. Check Canvas every day for updates and changes. DO NOT contact me using Canvas. Use [ProfFalcon@aol.com](mailto:ProfFalcon@aol.com) for all email communications.

<u>Week</u>	<u>Date</u>	<u>Chapter Book</u>	<u>Topic</u>	<u>Homework from the Workbook</u> (Due before start of class)
1	Jan. 26	1	Introduction, regulatory and international agencies	Ch. 1
2	Feb. 2	2	FAA Enforcement	2
3	Feb. 9	3	Aviation Medical Cases	3
4	Feb. 16	4	Basic Principals of Liability	4
5	Feb. 23	5	Organizing Businesses to Limit Liability	5
6	March 2	6	Aviation Insurances	6
7	March 9	7	Exculpatory Contracts	7
8	March 16	8	Airline Liability	8

8.5 **MIDTERM EXAM** on Wednesday, March 18 on the Chapters 1 - 7. Bring a laptop as exam is on Canvas.

March 23 thru 29th *Spring Break Friday March 23 - March 29*

9	March 30	9	Government Liability	9
10	April 6	10	Accident Notification, reports, investigation	10
11	April 13	11	Buying & selling aircraft	11
12	April 20	12	Leasing, Management, Fractional Ownership	12
13	April 27	13 & 14	Airports & Airspace (both chapters)	13/14
14	May 4	15	General Employment Law	15
15	May 11	16	Airline Labor Law	16
	May 19		<b><u>FINAL EXAM</u></b>	

**FINAL: Final exam date is Tuesday, May 19, 2015 at 0945-1200 in IS 216.** 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.

### **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](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).