

CLYDE&CO

Aviation Liability





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Introduction

Clyde & Co LLP is a dynamic global law firm that delivers legal services across its core sectors, including aviation. We are airline and air operator focussed and function through a single global practice group, allowing us to serve our clients where and when they need us.

As a firm we offer a wide range of services related to the needs of airlines, air operators and other industry participants. In this interactive brochure we present our aviation liability capability.



Our aviation practice in overview

—
50+
 offices

—
100+
 Aviation specialists

Aviation specialists in each of:

London
 Edinburgh
 Paris
 Madrid
 New York
 San Francisco
 Los Angeles
 Miami
 Montreal
 Toronto
 Caracas
 Mexico City
 Dubai
 Johannesburg
 Singapore
 Hong Kong
 Shanghai
 Melbourne
 Sydney

Aviation Liability

- ▷ Major Loss
- ▷ Serious Incident Response
- ▷ Crisis Planning
- ▷ Attritional Liability Defence
- ▷ Subrogated Recoveries
- ▷ General Aviation Losses and Incidents

Aviation Services

- ▷ Regulatory
- ▷ Non-Contentious Commercial
- ▷ Finance & Leasing
- ▷ Fleet Procurement
- ▷ Commercial Dispute Resolution
- ▷ Debt Recovery
- ▷ Environmental Claims / Toxic Exposure

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The world's leading firm in the field of aviation law.

Who's Who Legal

They are subject matter experts, with a worldwide reach. They understand our needs and provide balanced advice on which we can make informed decisions.

Band 1: Legal 500 Aviation

Our aviation liability services



The principal contacts of our Aviation Liability team and their contact details are available [here](#).

Details of aviation related value added services that we can provide are available [here](#).

Click on the links to navigate this interactive brochure.



Clyde & Co is a global law firm, with over 50 offices spread across in every inhabited continent of the world. We are widely recognised as the world's premier aviation law firm, with over 100 aviation specialists located in 20 of our offices. They are situated in many of the most significant aviation centres in the world.

In relation to aviation liability, we focus on acting for airlines and operators and their insurers. We also act for other industry participants such as ground handlers and caterers and their insurers. We operate as one global aviation practice, combining our resources across offices as necessary in order to provide a truly and unparalleled global one-stop shop for all of our client aviation liability needs whatever they are, whenever and wherever they arise.

Our reputation in the industry is grounded in the breadth and depth of our aviation expertise and experience. We understand the legal and reputational challenges and issues that our clients and their insurers face with regards to aviation liability.

Members of our team have acted in many of the leading cases which have developed international law in relation to air carrier liability. We strive to ensure we have an unmatched awareness of developments in the industry. We are alert and nimble, meaning we can respond to our clients' needs swiftly and constructively.

As a global law firm, we have the advantage of being able to call upon the wider aviation and complimentary expertise and experience of the firm including our Sanctions team. For more information visit our Aviation and Complementary Services Brochure [here](#). This means that we can provide a rounded and fully comprehensive service as a single source global supplier.

Languages spoken by our team include:

- English
- French
- Spanish
- Portuguese
- German
- Italian
- Serbian
- Greek
- Russian
- Arabic
- Hindi
- Gujrati
- Punjabi
- Afrikaans
- Mandarin
- Cantonese

Major loss

We have acted for airlines, air operators and their insurers in respect of over 100 major losses, including ones occurring on every inhabited continent of the world.

In the modern world such losses are invariably international in effect, requiring action and the defence of the airline's interests in multiple jurisdictions. The global spread of our aviation team gives us the unique ability to provide cover 24/7 by using our various offices to provide an informed, experienced and multi-jurisdictional response from within our single aviation practice group. Our US capability is of particular importance in the latter regard since that is often a target jurisdiction for claimant interests.

We recognise no two major losses are the same. Over the years we have dealt with nearly every form of loss imaginable including: unexplained disappearances, terrorist incidents, war related incidents, weather related accidents, catastrophic engine failure, other product related incidents and human error. Whatever their cause, they always require immediate and careful management.

We are used to working closely with the airline concerned, its insurers, surveyors, emergency response companies, subject matter experts and, where necessary, local correspondent lawyers both to deal with the immediate aftermath and also the successful resolution of all claims arising out of the loss in relation to those on board as well as any third party losses. Open communication, good co-ordination, adaptability and the swift resolution of claims are at the centre of our approach.




Major loss



Select a region above to view some examples of general aviation losses that we have handled.





Serious incident response

Airlines and air operators suffer many incidents short of a major loss that are nevertheless serious and/or potentially harmful to their reputation.

These include things such as:

- Runway excursions
- Emergency landings
- Emergency evacuations
- Near misses
- Ground collisions
- Individual fatalities or serious injury
- On board disturbances
- Toxic tort events

They can also extend to incidents involving high profile passengers or alleged discrimination.

Incidents of these kinds can give rise to both liability and reputation management challenges. We are adept at handling issues of these types, as well as investigations and proceedings to which they give rise.

Our global footprint means that we can deal with them seamlessly whenever and wherever they occur.


Crisis planning

As a customer sensitive and focussed industry, a major loss or serious incident can represent a serious and sometimes life threatening challenge to an airline or air operator. Preparation for such eventualities, and putting in place the systems to deal with them, are therefore essential for any carrier - the adage 'plan for the worst, but hope for the best' are wise and prudent words.

We frequently assist airlines and air operators in their advanced crisis planning, often in conjunction with their broker and insurer. This includes drafting and advising on Emergency Response Manuals and procedures, advising on compliance with applicable regulations and local procedures, including the US Air Carrier Family Assistance Act, and participating in crisis simulation exercises. It goes without saying that prevention is better than the cure.

As highlighted above, members of our team have dealt with a wide range of crisis situations, major losses and serious incidents and we can bring this experience to bear when providing these services, using our knowledge and expertise to meet any challenges and resolve practical issues proactively.

Our global footprint means that we can do so offering a wide perspective, to ensure any plans are suitable wherever the need for their implementation is likely to occur.



Attritional liability defence

As well as the potential for major losses and serious incidents, airlines and air operators inevitably suffer from attritional losses.

These include things such as:

- ▷ Claims for passenger injury and delay
- ▷ Loss/damage/delay of baggage and cargo
- ▷ Damage to third party property

We have considerable experience representing the insured interests of airlines and air operators in respect of these types of claim across all of our offices with aviation specialists.

We undertake this kind of work on behalf of clients of all shapes and sizes, including handling insured claims on a worldwide or regional basis for many significant airlines and their insurers. We have the geographic spread and a structure that allows us to do so on an expert but cost-effective basis which offers our clients a one-stop solution to their attritional needs. Where we do not have our own offices we work closely with our worldwide network of correspondent lawyers, many of whom are the leading aviation practitioners in their own jurisdiction and with whom we have forged strong relationships over many years.

In addition to claims handling, we have the capability to analyse claims data and trends to provide feedback to carriers and other interested parties on key issues that can assist with risk analysis and future risk management.

Subrogated recoveries

Aviation liability work is not necessarily just about defending claims. There will also be occasions where there is the potential for a recovery from a third party in respect of loss or damage suffered, whether on a subrogated basis for their insurers or in respect of uninsured losses.

We undertake work of this nature across the world as a regular adjunct to our liability defence work, wherever the necessary jurisdiction can be established and often working with co-operation across our office network.

Examples include actions against:

- ▷ Aircraft or equipment manufacturers arising out of major losses or serious incident including:
 - A claim against an aircraft or other original equipment manufacturer for defective design causing the loss of an aircraft
 - A claim against the manufacturers of avionics equipment for damage to a passenger jet aircraft due to fire whilst parked at an airport
- ▷ Other third parties who cause or contribute to a major loss or serious incident, or indeed liability of any kind, such as Airports and Air Traffic Control including:
 - A claim against Air Traffic Control in respect of a mid-air collision caused by an ATC instructional error
 - A claim against an airport for failure to secure the airfield from incursion by wild animals that resulted in a collision on take-off leading to significant damage to the aircraft such that it was declared a CTL
- ▷ Maintenance and repair organisations for aircraft damage due to defective workmanship including:
 - A claim against an MRO for damage to an aircraft caused by a tool being left in an engine during overhaul
 - A claim for fire damage to an aircraft caused by combustion of cleaning fluid being used to strip an aircraft hold during deep maintenance
- ▷ Other parties concerning aircraft collisions on the ground including:
 - A claim against an airline for a collision occurring in an adequately guided push-back from stand
 - A claim against a ground handling agent and airport in relation to a collision occurring due to failure to comply with standard operating procedures and incorrect stand allocation respectively
- ▷ Ground handling and other airport services concerning aircraft damage due to collisions with equipment including:
 - Engine damage due to ingestion of an unsecured and misplaced ULD
 - Hull damage caused by negligent misalignment of a jet bridge

General aviation losses and incidents



General aviation ranges from handling hull, personal injury, fatality and subrogation claims arising from losses involving aircraft as diverse as drones, paragliders, microlights, gliders, hot air balloons, helicopters, through to light aircraft, business jets and small regional airline operations.

We are one of the few firms worldwide who can advise you on every aspect of general aviation.

Our general aviation capabilities span the world, with highly competent subject matter specialists who understand the complexities and nuances at stake within the aviation field.

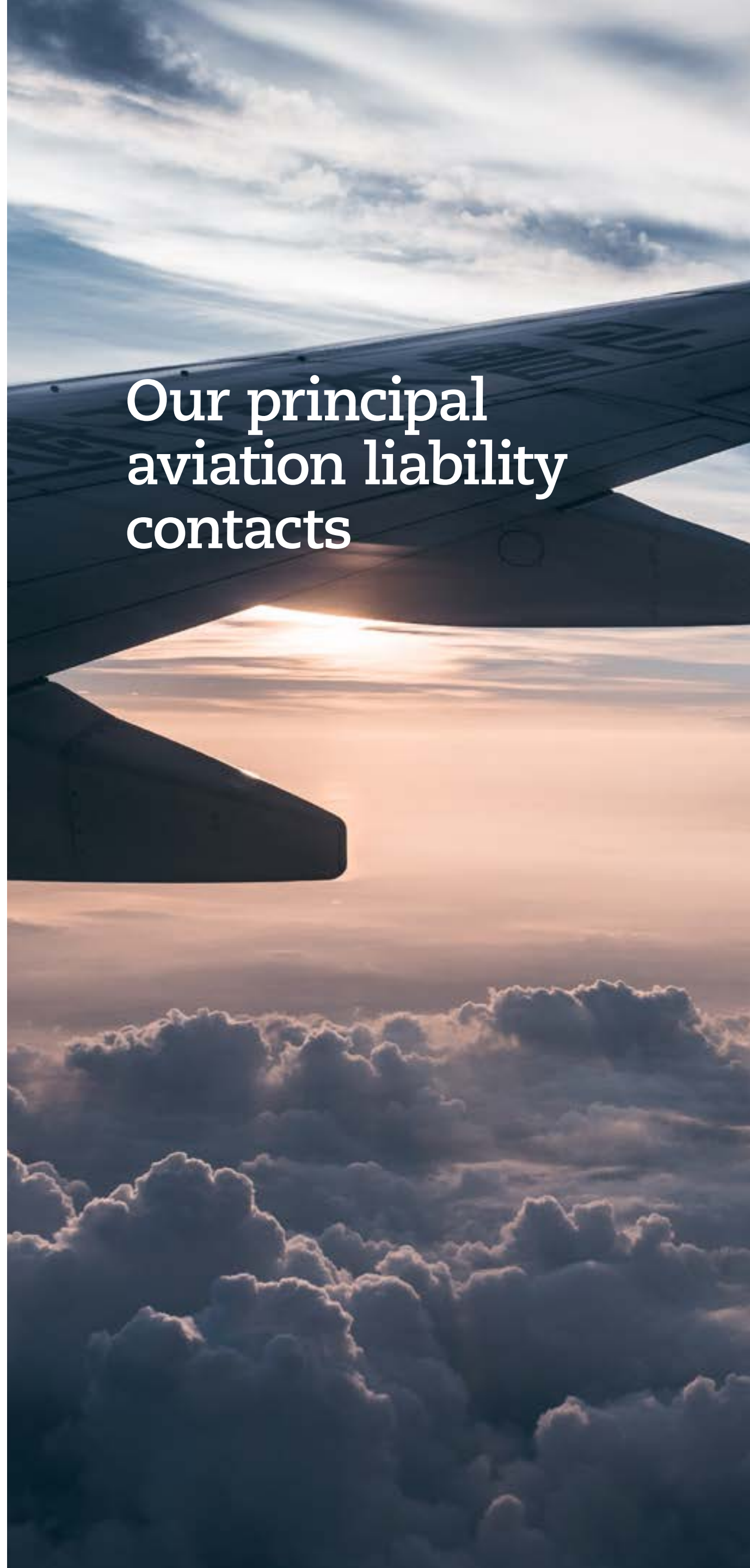
We work closely with all involved in a loss, including appointed adjusters, official accident investigators and other relevant government agencies and have a proven track record of achieving the right outcome for the insurer and the insured.

We have members of the team that hold pilot licenses in their own right, relevant technical qualifications and language skills thus enabling a deeper understanding of general aviation.

General Aviation Losses and Incidents

Select a region above to view some examples of general aviation losses that we have handled.





**Our principal
aviation liability
contacts**

UK

Our principal aviation liability contacts

Europe

Paris

Hamburg

Madrid

Our principal aviation liability contacts

APAC

Australia

Shanghai

Singapore

Hong Kong

Our principal aviation liability contacts

MEA

Dar es Salaam

Johannesburg

The Americas

New York

Miami

San Francisco/Los Angeles

Washington D.C.

Our principal aviation liability contacts

The Americas (cont)

Caracas

Mexico city



Value added services

We offer a number of value added services to our clients.

We frequently deliver tailored training seminars to our clients on topics of interest/relevant to their needs.

Clients can sign-up to receive our quarterly Aviation Newsletter and legal updates on relevant industry topics, as well as our Daily Aviation Bulletin.

As a firm, we hold over 100 client seminars each year, covering a wide variety of topics and covering all aspects of contentious and non-contentious law. These include a regular series of aviation related talks held in our London offices, as well as an annual two day Air Law Workshop held in conjunction with the Institute of Air & Space Law, Leiden University, to which our clients are invited.

Every other year we hold a major international conference on aviation law in London (previously the Beaumont Conference) to which our clients are invited.

If you would like more details in relation to the above, or wish to attend any of these events, please contact events. aviation@clydeco.com

Members of our aviation practice also speak regularly at international aviation events, such as the IATA Legal Symposium, IATA RIM events, the Willis Towers Watson Aviation Conference, the European Air Law Association's Annual Conference, ATLA's Aviation Law Americas Conference, Aviation Africa and the ALAANZ Annual Conference.

Our approach to CSR



Diversity

We view diversity as critical to the international nature of our business and are committed to ensuring our workforce represents a wide range of backgrounds, ages and experiences reflecting the values of our global clients.

Within Clyde & Co, we have a Global Diversity Group comprised of partners and senior managers who oversee progress on issues such as gender diversity in senior roles, cultural diversity at intake, flexible working and our family matters initiative.

The firm is a signatory to the UK Law Society's Diversity and Inclusion Charter and, globally, many of our offices are part of several diversity programmes.

Clyde & Co are also signatories of the Women in Aviation and Aerospace Charter which aims to work towards achieving gender balance across the aviation and aerospace industries and to support and showcase female role models to demonstrate that opportunities are available, irrespective of gender.



Environment

We aim to be a more sustainable and energy-efficient business and understand that our business has an impact on the environment.

Our key priorities are to reduce our paper usage, our travel and waste in our offices. Our activities are guided by the ISO:14001 management system.

Our key suppliers are all part of our procurement system which focuses on reducing our environmental impact through supply chain management. We have started monitoring the carbon footprint of our travel with the help of our travel provider Reed and Mackay.



Climate Change

In line with the UK government's 2050 net zero target, Clyde & Co is focused on cutting our emissions to net zero by 2050. We have made significant progress over the past 2 years – both globally and within the UK, for example a reconfirmed set of priorities signed off by our UK Board in October 2019, and an agreement by our Global Strategy Board in February 2020 regarding a carbon offsetting scheme.

Our environmental policy sets out the areas we have identified as our most significant impacts and our commitments in this area – (i) reducing our energy consumption, (ii) monitoring and reducing our travel and resource use, and (iii) reducing our waste.

One of the most important ways we can help to tackle climate change is through the use of our legal skills, which we are doing in a number of ways. Our Climate Risk team helps clients understand their current risks in regards to climate change, prepare their business for future risks, and evolve in a way to capitalise on the opportunities created by the transition to a low-carbon economy.

Our approach to CSR

We have developed a TCFD offering in conjunction with leading environmental consultancy Ricardo plc. We also work closely with other climate change industry leaders to maintain cutting edge climate knowledge and a strong network for our clients – for example Chapter Zero – the Directors' Climate Forum; Willis Towers Watson; the Insurance Development Forum; and the Global Association of Risk Professionals.

Our Resilience Hub contains a multitude of further resources and information that we as a firm have produced:

<https://resilience.clydeco.com/>



480

Partners

2,400

Lawyers

3,200

Legal professionals

5,000

Total staff

60+

Offices worldwide*

www.clydeco.com

*includes associated offices
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the Solicitors Regulation Authority.
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