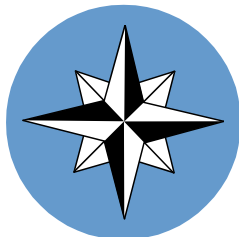




Winter 2002



PREFLIGHT

Chairman's Message:

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As we approach the New Year, I hope everyone has enjoyed a happy and rewarding holiday season. The Aviation Section has activities planned in the near future that should be interesting and fun. Before discussing those plans, I want to thank all of our members who have contributed to making this Section an active and rewarding Section. Particular thanks go to our Newsletter Editor, Mark Stuckey. Mark has done a remarkable job of developing and writing a newsletter that is both informative and fun. Mark truly has a talent in this area, and we are all in his debt.

Another contributor to the vitality of this Section over the years has been John Webb who has been responsible for inviting a number of interesting speakers to address our Section. My thanks go to John for his hard work and devotion to the activities of our Section.

Lisa McCrimmon has taken a leadership role in our Section, since she will co-chair with me our Aviation Law Section seminar at the Marriott Century

Center Hotel on Friday, February 7, 2003. Attendance at this seminar will afford you six CLE hours including one hour of ethics, one hour of professionalism, and three trial practice hours.



Bob "Punchy" Powell

Our speakers will include James Strawinski, a well-known aviation lawyer in Atlanta; Hon. John Goglia, Member of the National Transportation Safety Board; David W. Boone, an accomplished trial lawyer and pilot in Atlanta; Andrew M. Scherffius, III, an accomplished trial lawyer and pilot in Atlanta; Mark L. Stuckey, our Newsletter Editor and an accomplished lawyer in Macon; and Robert E. McCormack, Deputy General Counsel from the Office of the General Counsel for the State Bar of Georgia. Our luncheon speaker

will be Capt. Dan McClung who flies for Delta and is also an air show/exhibition pilot for Red Eagle Aviation, Inc. Dan will give us a talk on air show flying which should be informative and entertaining.

Hopefully you will receive this Newsletter before January 10, since that is the date of our Section's Annual Meeting which coincides with the Mid-Year Meeting of the State Bar. Our luncheon speaker for January 10, will be Bob Powell who was a fighter pilot with the 352nd Fighter Group in Europe. Bob will share with us the history and exploits of his fellow pilots during that challenging conflict with the German Luftwaffe.

I hope your schedules will permit your attendance at our Section's Annual Meeting on Friday, January 10, during the noon hour and again for our Aviation Law Seminar on Friday, February 7, beginning at 9:00 a.m. at the Marriot Century Center Hotel.

May you all enjoy a happy, safe and prosperous New Year.✘

Alan



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www.gabar.org/avlaw.htm

FROM THE EDITOR

I'm not sure who is more thrilled about Bob Powell speaking in January—Alan or myself. “Punchy” Powell flew one of those P-51 Mustangs otherwise known as the “Blue-Nosed Bastards from Bodney”. Although my personal WWII favorites are the P-38 Lightning, the P-40 Warhawk and the SBD Dauntless, the exploits of the 352nd Fighter Group are legendary and never grow tiresome in their retelling. You can find more information and photos about the 352nd fighter group at their website, www.352ndfightergroup.com. Or better yet, come hear from Punchy himself and get him to sign one of his books.

The end of the year is a time to recognize all those who helped make this publication a success. I am especially grateful for those who have contributed articles over the past year, including Alan



Armstrong, Ed McCrimmon, Chuck Young, Joel Sherlock, and Don Mitchell. Their contributions in the areas of aviation litigation, transactions and history have helped keep the newsletter interesting to all the members of the section with their varied backgrounds and interests. I also want to thank Lesley Smith at the State Bar for her time and efforts in getting the newsletter out quickly when I was running behind schedule.

I also want to encourage section members to continue with their suggestions and

topics for future articles. The section has close to 200 members, and every member is an invaluable resource in the many areas of aviation - so please share your knowledge and experience with us! Have an aviation case that has more conflicts than the GOP leadership? Did you visit an airshow and snap a

few pictures? Run into some veterans with some interesting stories from their past missions? These are the contributions which we are looking for and what keep readers' interest.

Speaking of contributions, sprinkled throughout this newsletter are photos from the 2002 Pt. Magu air show that were forwarded to me and which are simply breathtaking. Enjoy!✳



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AA-587: NTSB PUBLIC HEARINGS UPDATE

By Mark Stuckey

The NTSB public hearings on October 29—November 1, 2002 regarding their ongoing investigation into AA 587 investigation shed light on both the evidence to date and the possible theories regarding this tragic crash.

First, the NTSB has all but confirmed that the cause of the crash was not terrorist related. Nothing in the wreckage, the sequence of events, or the background of the passengers suggests anything but an accidental cause for the crash. The NTSB also confirmed a lack of evidence pointing to engine failure, malfunction or fire.

As expected, much of the discussion centered on the wake turbulence of the immediately preceding Japan Airways 747 and the AA pilots' reaction to it. Of particular interest were the actions of First Officer Steve Molin, who was attributed with making several strong rudder movements just prior to the tail separation. As discussed in the Spring 2002 Preflight, repeated rudder reversals at high speed can overload the composite structure of the vertical stabilizer, leading to failure. Although pilots are generally aware of the effects of low speed rudder reversal, few are aware of the strain placed on the structure when such repeated rudder reversals

occur at high speeds (AA 587 was traveling at 240 knots when the repeated rudder reversals occurred). Adding to the problem is that the rudder limiter system on the Airbus

pedals is required at low speeds, very little pressure is necessary for the same effect at high speeds. However, few pilots are aware of this difference, and flight simulators

prior to the crash did not take account for this situation either. Thus, a pilot who "stomps" their rudder pedals at low speeds without fear will suddenly find the aircraft structure overloaded when the same action is taken

at high speeds. While American Airlines maintains they were not aware of this issue with the aircraft, Airbus pointed to 1998 correspondence suggesting that Airbus did, in fact, put the airlines on notice of this problem.

Testimony from another American Airlines pilot who flew with Mr. Molin in 1997 suggested that Molin had used rudder pedals very aggressively on a particular flight. However, the same pilot also admitted that Molin did not continue with such behavior in subsequent flights, and interviews with other pilots who had flown with Molin recently did not notice any such aggressive rudder usage in flight.

The NTSB also came out rather strongly in their opinion that the loads on

(Continued on page 4)



AA-587 NTSB Hearings (cont.)

(Continued from page 3)

the vertical stabilizer were far in excess of the loads required under both US and French certifications standards. The certification standards require that the structure maintain its integrity to 1.5 times the normal maximum load experienced by the aircraft during its regular service life. In the case of AA 587, testing has indicated that the tail failed at a load

limit of 1.97, far in excess of what is required under certification. This is consistent with the tail that was subject to tests in the original certification process, which failed at 1.93 load limit. As such, the evidence to date would suggest that, even if there was a defect in the composite structure of the vertical stabilizer, said defect did not decrease the load limit strength of the tail of AA 587 and thus contribute to the crash.✘



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SKYNOTES

Aviation Section Luncheon

January 10 at State Bar Mid-Year Meeting at the Swissôtel, Atlanta; Speaker is Bob Powell

Fernbank Lecture Series

Jan 17: Troop Gliders in WWII
Feb 21: Famous Black Aviators
March 7: Women in Aviation
fsc.fernbank.edu/flight

Aviation Section Seminar

February 7 at Marriott Century Center Hotel, Atlanta

SMU Air Law Symposium

February 27-28 at Hotel Intercontinental, Addison, Texas
www.smu.edu/lra/jalc/symposium.htm

Exhibit: "One-Lungers to After Burners: The Evolution of the Aircraft Engine"

January-June 2003, Museum of Aviation, Warner Robins
www.museumofaviation.org

LPBA Winter Meeting

March 5-9 at Caribe Royal Resort, Orlando, www.lpba.org

2003 Georgia Wings Weekend

May 2-4 at Briscoe Field (LZU)
www.wingsweekend.com