

MASSACHUSETTS SCHOOL OF LAW  
FINAL EXAMINATION

Aviation Law  
Fall Semester 2009  
Course 371

Professor Robert J. Forrest

Social Security No.: \_\_\_\_\_

This examination will consist of short answer questions and essays. You have three hours to complete the examination. Suggested time allotments are in the margin.

Please write all answers in the examination booklet and be sure to put your social security number on the examination booklet and this examination.

Please return this examination and the booklet together once you have completed the examination.

If you make any assumptions in analyzing the problems please be sure to state them as part of your answer.

30  
min

1. Assume the following facts: You are the pilot in command (PIC) flying a light twin aircraft from Boston, Massachusetts to Norfolk, Virginia under visual flight rules (VFR). While flying over Teterboro, New Jersey, the weather begins to deteriorate slightly and you call New York Approach Control to request radar vectors to Norfolk. Center identifies your aircraft transponder and gives you a discrete code. Center then instructs you to "maintain present heading, descend and maintain 4000 feet". You comply with Center's instructions. As you are approaching the Baltimore, Maryland area Center contacts you and says, "you have entered a temporary flight restriction area (TFR) without clearance. When you land at Norfolk Airport call air traffic control".
  - A. What will you say to ATC?
  - B. What will you do upon landing at Norfolk Airport?
  - C. If you are instructed by Norfolk Tower to call them immediately upon engine shutdown, what will you do?
  - D. Assume an FAA Inspector comes out to the ramp while you are locking your hanger door after parking the aircraft inside and says "I was in the Tower when they called you and would like to ask you a few questions". What will you do and why?
  - E. If the Inspector asks to see your "documents" what will you do and why?
  - F. Assume you show the Inspector the documents he requested and he hands them back to you then asks if you were the pilot in

command of the aircraft you just put in your hanger. What will you say and why?

- G. Assume you do not have any discussion with the Inspector and he leaves saying "you will hear from us". Is there anything you can do to protect yourself.
- H. Assume you receive a letter from the FAA 3 weeks later asking you to respond to a complaint that you entered a TFR without clearance. What will you do and why?
- I. Assume the FAA proposes to suspend your pilot's license for six months as a result of the incident. What are your legal rights, options and responsibilities?

2. Your client comes to you and says he was PIC of an aircraft that skidded off the runway at Miami International Airport, crashing through the barrier at the end of the runway and striking several cars traveling on the highway adjacent to the airport. The aircraft sustained damage to the nose cowling and landing gear. There was no other damage. No passengers on the aircraft are injured but several people in the vehicles are injured. One passenger sustained a broken arm, several others had bruises and lacerations. One occupant suffered a head injury and was hospitalized for 2 weeks. Investigation reveals that the maintenance shop that performed the repair work on the aircraft at the last inspection used brake pads that were manufactured for use on automotive wheels. What are the rights and responsibilities and legal obligations of the parties?

30  
min

3. Your client is an off duty Police Officer who is planning to fly to Bermuda for a family vacation. While waiting in the line for security check at Logan Airport, he suddenly remembers that his 9 mm duty handgun is in his carryon briefcase. The client thinks to himself "I am a police officer, no problem". The client is arrested and charged with attempting to board an aircraft with a firearm. The client asks you to defend him and knowing a little bit about the law the client says "they had no right to search me or my luggage, I am a police officer and I am authorized to carry a firearm". What advise will you give the client? What should the client have done when he remembered the gun in his carryon?

15  
min

4. An Air Traffic Controller employed by Miami Approach Control is monitoring his assigned sector on his radar screen when he notices 2 aircraft on a collision course. The controller directs aircraft A to descend and maintain 10,000 feet and instructs aircraft B to maintain altitude and heading. Suddenly he sees another aircraft entering the Air Defense Identification Zone off the Florida coast. The controller then turns his attention to the aircraft entering the Air Defense Identification Zone and instructs the aircraft to "squawk ident". The controller identifies the aircraft and says to the pilot "you have entered an Air Defense Identification Zone without permission. Upon landing at your destination contact air traffic control". Upon resuming his scan for other aircraft, the controller realizes that the aircraft he had instructed to descend and maintain 10,000 feet failed to follow his instructions and is continuing on a collision course with

30  
min

aircraft B. Before the controller has time to warn the 2 aircraft of the impending collision, the left wing of aircraft A and the right wing of aircraft B contact each other causing considerable damage to both aircraft. Aircraft A is able to land safely, however, aircraft B is severely damaged and crash lands in the Atlantic Ocean killing all 160 passengers on board. What are the rights and legal responsibilities of the air traffic controller? What advise will you give to the pilot of the aircraft that entered the Air Defense Identification Zone without permission?

15  
min

5. A client comes to you and says he would like some advise concerning the purchase of a Beachcraft Baron, twin-engine aircraft. What advice would you give the client concerning the financing of the purchase and the status of the title to the aircraft?

\*\* Answering the following is optional – incorrect answers will not lower your grade – correct answers could raise your grade

6. Define and explain the following terms:

- A. Aircraft accident.
- B. ADIZ.
- C. Class A airspace.
- D. Class G airspace.
- E. AIDS to navigation.
- F. NOTAM.
- G. Flight Standards District Office.
- H. Aircraft incident.

END

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If you make any assumptions in analyzing the problems please be sure to state them as part of your answer.

1. Assume the following facts: You are the pilot in command (PIC) flying a light twin aircraft from Boston, MA to Miami, FL under visual flight rules (VFR). While flying over Charleston, SC, the weather begins to deteriorate slightly and you call Savannah Approach Control to request radar vectors to Jacksonville. Center identifies your aircraft transponder and gives you a discrete code. Center then instructs you to "maintain present heading, descend and maintain 4000 feet". You comply with Center's instructions. As you are approaching the Savannah, GA area, Center contacts you and says, "you have entered a military operations area (MOA) without clearance. When you land at Miami Airport call air traffic control".
  - A. What will you say to ATC?
  - B. What will you do upon landing at Miami?
  - C. If you are instructed by Miami Tower to call them immediately upon engine shutdown, what will you do?
  - D. Assume an FAA Inspector comes out to the ramp while you are locking your hangar door after parking the aircraft inside and says "I was in the Tower when they called you and would like to ask you a few questions". What will you do and why?
  - E. If the Inspector asks to see your "documents" what will you do and why?
  - F. Assume you show the Inspector the documents he requested and he hands them back to you then asks if you were the pilot in

command of the aircraft you just put in your hangar. What will you say and why?

- G. Assume you do not have any discussion with the Inspector and he leaves saying "you will hear from us". Is there anything you can do to protect yourself.
- H. Assume you receive a letter from the FAA 3 weeks later asking you to respond to a complaint that you entered an MOA without clearance. What will you do and why?
- I. Assume the FAA proposes to suspend your pilot's license for six months as a result of the incident. What are your legal rights, options and responsibilities?

20 min.

2. Your client comes to you and says he was PIC of an aircraft that skidded off the runway at Laconia, NH Airport, crashing through the barrier at the end of the runway and striking several cars traveling on the highway adjacent to the airport. The aircraft sustained damage to the nose cowling and landing gear. There was no other damage. No passengers on the aircraft are injured but several people in the vehicles are injured. One passenger sustained a broken arm, several others had bruises and lacerations. One occupant suffered a head injury and was hospitalized for 2 weeks. Investigation reveals that the maintenance shop that performed the repair work on the aircraft at the last inspection used brake pads that were manufactured for use on automotive wheels. What are the rights, responsibilities and legal obligations of the parties?

20 min.

3. Your client is an off duty Police Officer who is planning to fly to the Bahamas for a family vacation. While waiting in the line for security check at Logan Airport, he suddenly remembers that his 9 mm duty handgun is in his carryon briefcase. The client thinks to himself "I am a police officer, no problem". The client is arrested and charged with attempting to board an aircraft with a firearm. The client asks you to defend him and knowing a little bit about the law the client says "they had no right to search me or my luggage, I am a police officer and I am authorized to carry a firearm". What advice will you give the client? What should the client have done when he remembered the gun in his carryon? Does the TSA have the right under the Fourth Amendment to the United States Constitution to search persons and their luggage without consent? Why?

10 min.

4. An Air Traffic Controller employed by Miami Approach Control is monitoring his assigned sector on his radar screen when he notices two aircraft on a collision course. The controller directs aircraft A to descend and maintain 10,000 feet and instructs aircraft B to maintain altitude and heading. Suddenly he sees another aircraft entering the Air Defense Identification Zone off the Florida coast. The

controller then turns his attention to the aircraft entering the Air Defense Identification Zone and instructs the aircraft to “squawk ident”. The controller identifies the aircraft and says to the pilot “you have entered an Air Defense Identification Zone without permission. Upon landing at your destination contact air traffic control”. Upon resuming his scan for other aircraft, the controller realizes that the aircraft he had instructed to descend and maintain 10,000 feet failed to follow his instructions and is continuing on a collision course with aircraft B. Before the controller has time to warn the two aircraft of the impending collision, the left wing of aircraft A and the right wing of aircraft B contact each other causing considerable damage to both aircraft. Aircraft A is able to land safely, however, aircraft B is severely damaged and crash lands in the Atlantic Ocean killing all 160 passengers on board. What are the rights and legal responsibilities of the air traffic controller? What are the legal liabilities of the airlines involved in the collision? What advice will you give to the pilot of the aircraft that entered the Air Defense Identification Zone without permission? Are the pilots of the airlines legally responsible for anything? What are the legal rights of the survivors of those who died in the accident?

20 min.

5. You are flying a single engine aircraft when suddenly the engine stops. You make an emergency landing on route 495 in Lowell, Massachusetts. As you land on the highway and attempt to roll off into the center median, your right wing tip strikes a 2008 Ferrari and causes substantial damage to the Ferrari. The damage to the aircraft includes a ruptured fuel tank which causes aviation fuel to spill out onto the highway, requiring the local fire department to respond to the scene to deal with the hazardous waste spill. In addition, the right wing is partially torn from the fuselage making the aircraft unairworthy. Your one passenger sustains a broken nose from striking the instrument panel on the hard landing. What government agencies are you required to notify about this matter? What is your legal obligation if any, to the owner of the Ferrari? What is your legal obligation to the City of Lowell fire department for the expense of the cleanup of the aviation fuel?

20 min.

6. A client comes to you and says he would like some advice concerning the purchase of a Beachcraft Baron, twin-engine aircraft. What advice would you give the client concerning the financing of the purchase and the status of the title to the aircraft?

10 min.

7. The United States Army has used the area around Camp Hotshot in Wyoming for long-range rifle training. The Army has decided it would now like to include artillery training in this area. In order to prevent damage to civil aircraft that may

be transiting the area, the Army decides to create a Military Operations Area and declares that the air space above Camp Hotshot for a distance of 200 miles in every direction from the airport is now considered a Military Operations Area and requires clearance from air traffic control for entry. May the Army declare this area to be a Military Operations Area? Is the Army required to notify any government agency about this change? What is the proper legal procedure for the Army to designate this area as a Military Operations Area?

10 min.

8. Define the following terms:

- A. TFR
- B. ADIZ
- C. Montreal Convention
- D. Railway Labor Act of 1926
- E. Warsaw Convention
- F. NOTAM.
- G. Special Issuance Medical Certificate
- H. Aircraft incident

10 min.

END