

Aviation

Litigating an aviation case is often more complex than that of a typical liability suit. It is common for multiple parties to be involved with charges and cross-charges filed amongst the principles. In an aircraft accident it is common for the injured parties to file against one or more of the associated manufacturers or operators and for the defendants to also charge other parties.

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The defending parties can include any or all of the following; the airframe manufacturer, the engine manufacturer, the electronics or subcomponent manufacturer, the operator or operator's agent, the airport operator, the federal government (FAA, DOD, TSA, NWS, etc.), the flight crew, ground personnel, etc. Typically a defendant will also file a related suit against one of the other parties. In this type of case it is especially important to involve the Jurinex team early in the investigation to assist in developing a case strategy that postures the defendant in the best possible way. Depending on the nature and publicity the incident generates, a public relations effort may also be required.

Other factors not directly related to the incident being litigated can also have a major influence on the case. Any aviation case is a major news event which will have a measurable influence on the potential jury pool. Political involvement is often associated with the media activity and can escalate the impact on the potential jurors. In international incidents, government protectionism can be an inhibiting factor. Posturing by labor unions can also influence the news reporting.

One aspect of aviation accident/incident litigation is that the plaintiff usually has the ability to choose from a large number of venues to file the complaint. This is due to the large number of manufacturers involved in producing the aircraft. Typically multiple defendants are named and a defendant may be named solely because of the location of their offices or plant. The Jurinex team can use mock trials or community attitude surveys to develop a profile of the potential juror pool and provide counsel guidance regarding the advantages/disadvantages of selecting or seeking a change of venues.

Although the NTSB only looks for cause and does not attach blame, the data developed during their investigations are public record and available for use in most civil cases. Each party associated with an aircraft incident usually attempts to build a wall around themselves to protect from damage. Determining the true facts in these cases can be difficult. The claim of proprietary information is often used to avoid releasing information in a civil suit. It is common for a party to recognize their culpability and take action to correct the problem while at the same time denying any error. This is where the insight of the Jurinex team can be tremendous asset for counsel.

The Jurinex staff has spent thousands of hours working on all types of aviation accidents and incidents. These include accidents, incidents, safety violations and operational problems involving major air carriers, feeder carriers, general aviation operations and flight crews. This experience gives the Jurinex team the insight to assist counsel in understanding the pitfalls and strengths of the arguments. Our personnel have worked closely with representatives of the manufacturers, general aviation operators, government and labor unions. They have served on numerous NTSB teams investigating major air carrier disasters.

Aviation litigation involves developing a story the jurors will understand. If there was personal injury, there will be a natural juror bias against the apparent injuring party. Assisting counsel to simplify the technical aspects and the unique procedures of the industry into a logical and reasonable story the jurors will take into deliberations is specialty of the Jurinex consultants.

Early involvement of the Jurinex team in the development of the trial strategy provides counsel the maximum benefit of

the team's experience. Early involvement also allows the time required to do the necessary research and to develop a coordinated plan to prepare for the trial. (See the sample seven month plan) During the trial the Jurinex team will be right behind counsel providing the maximum possible support.