IATA Legal Symposium 2008
Managing global change: The new legal challenges
10 - 12 February 2008 | Buenos Aires, Argentina

Conference Programme

Host Airline:
LAN Argentina, S.A.

Principal Sponsors:
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About IATA

IATA is an international trade body, created some 60 years ago by a group of airlines. Today, IATA represents over 240 airlines comprising of 94% of the international scheduled air traffic. The organisation also represents, leads and serves the airline industry in general.

For more: www.iata.org

IATA Events Schedule

IATA OPS Forum
February 25 – February 27, 2008
Madrid, Spain

IATA Crisis Management
February 26 – February 27, 2008
Madrid, Spain

IATA World Cargo Symposium
March 03 – March 06, 2008
Rome, Italy

IATA Ground Operations Symposium and IATA Ground Handling Council (IGHC)
May 12 – May 14, 2008
Kuala Lumpur, Malaysia

IATA 122nd Schedules Conference
June 14 – June 17, 2008
Boston, USA

IATA Executive Financial & Procurement Summit
September 2008
London, United Kingdom

IATA/ACI/ECAC AVSEC World 2008
November 11 – November 13, 2008
Seoul, South Korea

IATA Air Transport IT Summit
October 2008
Las Vegas, USA

IATA 123rd Schedules Conference
November 13 – November 16
Athens, Greece

IATA Revenue Accounting Meeting
September 2008
Toronto, Canada

www.iata.org/events/calendar
# Programme-at-a-Glance

## Sunday, 10 February

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>13:00 – 17:00</td>
<td>Buenos Aires City Tour</td>
<td>Hotel Lobby</td>
</tr>
<tr>
<td></td>
<td>Separate registration required / Bus will depart from the lobby of the Sheraton Buenos Aires Hotel at 13:00</td>
<td></td>
</tr>
<tr>
<td>17:00 – 20:00</td>
<td>Registration</td>
<td>Catalinas</td>
</tr>
<tr>
<td>18:00 – 20:00</td>
<td>Welcome Cocktail Reception sponsored by Clyde &amp; Co Beaumont &amp; Son Aviation</td>
<td>Golden Horn</td>
</tr>
<tr>
<td>20:00 – 22:00</td>
<td>Welcome Dinner sponsored by Barlow Lyde &amp; Gilbert</td>
<td>La Pampa</td>
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## Monday, 11 February

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
<th>Location</th>
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</thead>
<tbody>
<tr>
<td>08:00 – 17:00</td>
<td>Registration</td>
<td>Retiro Foyer</td>
</tr>
<tr>
<td>08:00 – 10:00</td>
<td>Plenary Session</td>
<td>Retiro</td>
</tr>
<tr>
<td>10:00 – 10:45</td>
<td>Refreshment Break &amp; Sponsor Displays sponsored by Squire, Sanders &amp; Dempsey LLP</td>
<td>Retiro Foyer</td>
</tr>
<tr>
<td>10:45 – 12:00</td>
<td>Breakout Sessions</td>
<td>Retiro &amp; Catalinas</td>
</tr>
<tr>
<td>12:00 – 13:30</td>
<td>Luncheon &amp; Keynote Address sponsored by Freshfields Bruckhaus Deringer</td>
<td>San Telmo</td>
</tr>
<tr>
<td>13:30 – 15:00</td>
<td>Plenary Session</td>
<td>Retiro</td>
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<tr>
<td>15:00 – 15:45</td>
<td>Refreshment Break &amp; Sponsor Displays sponsored by Wilmer Hale LLP</td>
<td>Retiro Foyer</td>
</tr>
<tr>
<td>15:45 – 17:00</td>
<td>Breakout Sessions sponsored by ADVOC</td>
<td>Retiro &amp; Catalinas</td>
</tr>
<tr>
<td>18:30 – 20:00</td>
<td>Symposium Cocktail Reception sponsored by Sheppard, Mullin, Richter &amp; Hampton LLP</td>
<td>Sans Souci Palace *</td>
</tr>
<tr>
<td>20:00 – 22:00</td>
<td>Symposium Dinner sponsored by Howrey LLP</td>
<td>Sans Souci Palace *</td>
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*Shuttles will depart from the lobby of the Sheraton Buenos Aires Hotel & Convention Center at 18:00

## Tuesday, 12 February

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
<th>Location</th>
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<tbody>
<tr>
<td>08:00 – 17:00</td>
<td>Registration</td>
<td>Retiro Foyer</td>
</tr>
<tr>
<td>08:30 – 10:00</td>
<td>Plenary Session</td>
<td>Retiro</td>
</tr>
<tr>
<td>10:00 – 10:45</td>
<td>Refreshment Break &amp; Sponsor Displays sponsored by Hunton &amp; Williams LLP</td>
<td>Retiro Foyer</td>
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<tr>
<td>10:45 – 12:00</td>
<td>Breakout Session</td>
<td>Retiro &amp; Catalinas</td>
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<tr>
<td>12:00 – 13:30</td>
<td>Luncheon &amp; Keynote Address sponsored by Latham &amp; Watkins LLP</td>
<td>San Telmo</td>
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<tr>
<td>13:30 – 14:45</td>
<td>Breakout Session sponsored by Jones Day</td>
<td>Retiro &amp; Catalinas</td>
</tr>
<tr>
<td>14:45 – 15:30</td>
<td>Refreshment Break &amp; Sponsor Displays</td>
<td>Retiro Foyer</td>
</tr>
<tr>
<td>15:30 – 17:00</td>
<td>Plenary Session</td>
<td>Retiro</td>
</tr>
<tr>
<td>17:00 – 18:30</td>
<td>Farewell Reception sponsored by McMillan Binch Mendelsohn LLP</td>
<td>Retiro</td>
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## Wednesday, 13 February

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>09:00 – 17:00</td>
<td>Legal Forum Attendance restricted to senior legal officers of IATA Member Airlines</td>
<td>La Pampa</td>
</tr>
<tr>
<td>09:30 – 17:00</td>
<td>Estancia Visit Separate registration required / Bus will depart from the lobby of the Sheraton Buenos Aires Hotel at 09:30</td>
<td>Hotel Lobby</td>
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</tbody>
</table>
Programme Overview

10 February 2008

18:00 - 20:00
Welcome Cocktail Reception
Location: Golden Horn Room

20:00 - 22:00
Welcome Dinner
Location: La Pampa

11 February 2008

08:00 - 08:30
Introductory and Welcome Remarks
Location: Retiro Room

08:30 - 10:00
Airline Alliances, Mergers, and Joint Ventures: A Comparative Examination of Competition Authority Reviews
Location: Retiro Room
Using a hypothetical series of decisions by airlines to consolidate their operations through alliances and mergers, a distinguished panel of specialists in competition law will provide insight into negotiating and implementing agreements and obtaining regulatory approvals. This session will serve as an interactive tool for a comparative analysis of a number of competition law regimes that must be navigated to create airline consolidation.

Moderator:
Trevor Soames, Partner, Howrey LLP

Panellists:
Geert Goeteyn, Partner, Howrey LLP
R. Hewitt Pate, Partner, Hunton & Williams LLP
Alan Ryan, Partner, Freshfields Bruckhaus Deringer
James R. Wade, Partner, Haynes and Boone LLP
Eduardo T. Cosentino, Partner, Langbehn y Cosentino

10:45 - 12:00
Open Skies. Again?
Location: Catalinas Room
Recently, the US and the EU entered into, arguably, the most significant Open Skies agreement to date. A distinguished panel of competition and regulatory specialists will examine the agreement and provide insight for airlines serving the transatlantic market, and for regions that have been reluctant to embrace Open Skies.

Moderator:
D. Martin Low QC, Partner, McMillan Binch Mendelsohn LLP

Panellists:
John Kallaugher, Partner, Latham & Watkins LLP
Alison Smith, Partner, Haynes and Boone LLP
Jacques Buhart, Partner, Herbert Smith LLP
Juan Carlos Mencio, General Counsel North America, LAN Airlines, S.A.

12:00 - 13:30
Luncheon & Keynote Address
Location: San Telmo
13:30 - 15:00
Passenger Rights Regulations: A Return to Governmental Micromanagement of the Airline Industry?

Location: Retiro Room

The spread of passenger rights regulations worldwide will be reviewed, followed by a discussion of relevant policy and legal issues. For example, are there failures in the airline industry that require regulation, rather than relying on market incentives to protect passengers? Are governments disregarding international conventions or the limits of their jurisdiction over foreign airlines? Are passenger rights issues different from other pertinent interests?

Moderator: Carlos Martins, Partner, Bersenas Jacobsen Chouest Thomson Blackburn LLP

Panellists:
- Marshall S. Sinick, Partner, Squire, Sanders & Dempsey LLP
- Renate Dimbeck, Senior Legal Counsel, Austrian Airlines Group
- Pablo M. J. Mendes de Leon, International Institute of Air & Space Law, University of Leiden
- John Balfour, Partner, Clyde & Co Beaumont & Son Aviation

15:00 - 15:45
Refreshment Break & Sponsor Displays
Location: Retiro Foyer

15:45 - 17:00
The Protection of Passenger Privacy and Air Transportation Data

Location: Retiro Room

The airline industry is currently witnessing a battle between privacy advocates who demand confidential treatment of passenger and airline data and those who wish to access the data, citing an irrefutable responsibility to the public good. This panel will explore the complex legal issues that confront the industry as it attempts to deal with the spread of passenger and airline privacy claims.

Moderator: Joanne W. Young, Partner, Kirsten & Young, PLLC

Panellists:
- Bridget Treacy, Partner, Hunton & Williams LLP
- Roy Goldberg, Partner, Sheppard, Mullin, Richter & Hampton LLP
- Monique De Smet, Director, Government and Industry Affairs, IATA

15:45 - 17:00
Focus on Latin America

Location: Catalinas Room

In recent years, Latin America has become an example of rapid change in an airline market. Some airlines have managed change effectively – negotiating restrictions on foreign ownership as they have expanded, reinventing themselves as privatised entities, or creating new lowcost airlines – while some of the established airlines have struggled, and in some cases, succumbed to market forces. While some countries have adopted Free Trade Agreements and/or liberalised air services agreements, barriers to trade facilitation constrain the industry from realising its full potential. This panel will explore the legal issues that confront airlines operating in this complex and rapidly changing region.

Moderator: Carlos Roberto Siqueira Castro, President, ADVOC

Panellists:
- David Short, Senior Counsel, Regulatory & International Affairs, FedEx Express
- Eduardo Iglesias, Vice President – Legal, Grupo TACA
- Facundo Rocha, Gerente Legales, LAN Argentina S.A.

18:30 - 20:00
Symposium Cocktail Reception
Location: Sans Souci Palace *

20:00 - 22:00
Symposium Dinner
Location: Sans Souci Palace *

* Shuttles will depart from the lobby of the Sheraton Buenos Aires at 18:00
12 February 2008

08:30 - 10:00
From Warsaw to Montreal: Creative Litigation of Airline Accidents

*Location: Retiro Room*

This panel of key players in the field of airline accident litigation will discuss the evolution of liability regimes, from the Warsaw Convention of 1929 to the Montreal Convention of 1999. In recent years, lawyers and prosecutors have pushed the envelope through the "criminalisation" of airline accident litigation. This session will explore these developments, as well as examine the integrity of the accident investigation process, civil liability exposure, and other important operational aspects.

**Moderator:** Richard Gimblett, Partner, Barlow Lyde & Gilbert LLP

**Panellists:**
- James P. Kreindler, Partner, Kreindler & Kreindler LLP
- John D. Goetz, Partner, Jones Day
- Michael J. Holland, Partner, Condon & Forsyth LLP
- Allan I. Mendelsohn, Counsel, Sher & Blackwell LLP
- Michael L. Dworkin, Partner, Michael L. Dworkin and Associates

10:00 - 10:45
Refreshment Break & Sponsor Displays

*Location: Retiro Foyer*

10:45 - 12:00
From Tokyo to Rome: The International Community’s Response to Interference with Airline Operations by Unruly Passengers and Terrorists

*Location: Retiro Room*

An update on the international conventions that address these issues, including the Tokyo Convention of 1963 and the Rome Convention of 1952 with its ongoing amendments will be given. The extent to which the conventions have been – or could be – applied in national courts, the implications for the industry, and alternatives available to create an effective, harmonised rule of law will be discussed.

**Moderator:**
George N. Tompkins Jr., Counsel, Wilson Elser Moskowitz Edelman & Dicker LLP

**Panellists:**
- Andrew Harakas, Partner, Clyde & Co Beaumont & Son Aviation
- Louise-Hélène Sénécal, Assistant General Counsel, Air Canada
- Constance O’Keefe, Counsel, Squire, Sanders & Dempsey LLP
- Sue Barham, Partner, Gates and Partners

10:45 - 12:00
Airline Insurance and Risk Management

*Location: Catalinas Room*

All multinational businesses must minimise their exposure to risk. In the post-9/11 era, the aviation insurance industry has restricted coverage for certain risks. Such developments, along with the proposed amendments to the Rome Convention and EC Regulation No 785/2004 may place airlines in an increasingly difficult situation. This session will examine measures that have been taken to curb the effect of these market developments as well as attempts to address this situation in the long term. The panel will also explore the crucial elements of a risk management programme, ranging from the adoption of internal measures to recognise and minimise risk and respond to major incidents, to the acquisition of insurance.

**Moderator:**
Neil McGilchrist, Consultant, Barlow Lyde & Gilbert LLP

**Panellists:**
- Carole Gates, Director, Risk Management & Insurance, IATA
- Ivy Chew Yin Teng, Manager, Risk Advisory Services, Malaysia Airlines
- Alan May, Managing Director, Head of Claims, Aviation, Aon
- Philip Chrystal, Director, Claims & Liability Management Aviation & Space, Swiss Re
Managing Scarce Airport Resources: Slots, Secondary Trading, Auctions, Congestion Pricing and the Schedules Conference

Airport congestion is a downside of the growing demand for air transportation. Some airport authorities have suggested "market-based" incentives for smoothing out demand throughout the day to ensure the best use of available resources – such as congestion pricing during peak hours or auctioning off access to the airport. Others prefer voluntary measures, such as the Schedules Conference and a secondary trading market for slots. The debate over managing these resources occurs at the intersection of regulatory policy, competition objectives, international law and property rights. The diverse experience of this panel in airport congestion issues ensures a lively exchange of views on all the relevant policy and legal issues.

Moderator:
Douglas Lavin, Regional Vice President, North America, IATA

Panellists:
David A. Berg, Vice President, General Counsel and Secretary, Air Transport Association
Kenneth P. Quinn, Partner, Pillsbury Winthrop Shaw Pittman LLP
Bruce H. Rabinovitz, Partner, Wilmer Cutler Pickering Hale and Dorr LLP
Carlos Grau Tanner, Director, Government and Industry Affairs, IATA

Airline Associations: What is Legitimate Cooperation in a Multinational World?

Airlines compete vigorously. But they must also cooperate to facilitate interline passenger transportation, coordinate airport activities, collectively encourage sound government policy, and more. Unfortunately, antitrust authorities worldwide apply differing standards for cooperation among competitors. This panel, with a wealth of experience in competition law, will navigate between pro-competitive coordination and anti-competitive collusion and recommend best practices to guide multinational airline competitors.

Moderator:
J. Bruce McDonald, Partner, Jones Day

Panellists:
Eric Morgan de Rivery, Partner, Jones Day
Gonzalo Yelpo, General Counsel, Asociacion Latinoamericana de Transporte Aereo

Things that Go Bump in the Night: What Keeps Airline Attorneys Awake in the Wee Hours?

What keeps in-house attorneys, their law firm advisors and other airline counsel awake at night? This panel of experienced speakers will review a number of hypothetical case studies based on real life experiences at international air carriers and corporations. By analysing their reactions to various scenarios, you will be asked to consider how you would react. Prepare to have your assumptions challenged about your role and responsibilities as airline counsel.

Moderator:
Janice Sharry, Partner, Haynes and Boone LLP

Panellists:
Charles R. Beeman, Partner, Hughes Hubbard & Reed LLP
Anne H. McNamara, Former Senior Vice President & General Counsel, American Airlines, Inc.
Abby Bried, Senior Attorney, Continental Airlines, Inc.
Nicolai von Ruckteschell, Senior Vice President and General Counsel, Deutsche Lufthansa AG
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