ECKERT SEAMANS

Aviation

OVERVIEW

The Eckert Seamans Aviation Group confronts new and complex legal issues that cross industry sectors, borders and continents. Our attorneys provide our broad client base with trusted counsel and representation in regulatory and legislative issues, transactional and corporate matters, litigation, employment, intellectual property and other commercial matters.

Based in Washington, D.C., attorneys in our cross-disciplinary Aviation Group provide dependable advice and consultation to clients in the aviation, aerospace, airport, security and technology sectors, including U.S. and foreign airlines, airport operators, charter operators, cargo handling companies, security and technology companies, airports, and trade associations. We also consult on other legal matters affecting businesses in the aviation industry, including tax, antitrust issues, OFAC sanctions, import/export controls, environmental issues, bankruptcy and restructuring, insurance and security and facilitation.

REGULATORY & LEGISLATIVE

Our Aviation Group counsels domestic and foreign airlines on regulatory compliance and enforcement matters before numerous federal agencies, including the U.S. Department of Transportation (DOT), the Federal Aviation Administration (FAA), the U.S. Department of Justice (DOJ), the Transportation Security Administration (TSA), the National Transportation Safety Board (NTSB), U.S. Customs and Border Protection (CBP), U.S. Trade and Development Agency, and the Departments of State and Commerce. We counsel clients on key regulatory and commercial issues such as airline codeshares and alliances, unfair advertising, open skies and traffic rights, antitrust, charters, wetleases, lease agreements and other commercial arrangements, foreign ownership, global computer reservation systems, export, re-export and sanctions laws, computer reservation systems and global distribution systems, anti-corruption, hazardous material transportation, airport leasing and government taxes/user fees. We also advise on the myriad of DOT passenger rights and disability rules.

Through proactive government relations strategies, Eckert Seamans assists clients through difficult funding and policy challenges and advises on upcoming legislative and regulatory matters. Our attorneys attend congressional hearings in support of our clients and prepare comments on proposed regulatory measures.

TRANSACTIONAL & CORPORATE

Our team includes a cross-disciplinary group of talented attorneys who are experienced in representing airlines in the purchase, leasing and financing of new and used aircraft, engines and related equipment as well as advising on general corporate matters. We also prepare and review contracts regarding travel agents, wholesalers, ticket/sales agents and GSAs, charters, maintenance and spare parts.

We also assist our aviation clients with a variety of issues (including audits) pertaining to U.S. ticket taxes and user fees, including: the Immigration Inspection Fee (IUF); the Customs Passenger Processing and User Fees (CUF); the Animal and Plant Health Inspection Service Aircraft Clearance Fee (APHIS Aircraft); the Animal and Plant Health Inspection Service Passenger Fee (APHIS PAX); and the September 11 security fee. Our involvement with client audits range from a consultation regarding a limited issue to handling the complete governmental audit.

Eckert Seamans has been an active participant in the growing trend to privatize public infrastructure through long-term public-private partnerships, or P3s. This experience adds significant value to transportation and other infrastructure related projects on which we advise based on our proven ability to assess the political landscape, reach out to key decision-makers, advise on regulatory requirements, assist in structuring and securing funding and financing and expedite the project development process, while continually providing general legal and strategic counsel. The firm has a strong history of representing entities in the privatization of assets and infrastructure. Additionally, the firm offers key contacts with leading financial advisors, asset operators and equity investors.

LITIGATION

Our aviation attorneys have litigated numerous aviation cases, including "bet the company" class actions, in state and federal trial and appellate courts and before agencies and have represented airlines in all forms of alternative dispute resolution, including international arbitration proceedings. We have established legal precedent favorable to foreign airlines on such matters as jurisdiction of U.S. courts over non-U.S. companies; the Foreign Sovereign Immunities Act; export controls; the Warsaw and Montreal Conventions and the extraterritorial extension of U.S. laws and DOT consumer protection regulations.

LABOR & EMPLOYMENT

Eckert Seamans provides full-service representation in all facets of employment and labor relations. We are familiar with the federal, state, and local issues that impact our clients and routinely provide advice on many employment issues unique to the aviation industry. Our team of employment litigators has substantial jury trial experience and a track record of successful outcomes in courtrooms throughout the United States. Our lawyers also provide counseling and dispute- prevention assistance by reviewing and drafting personnel policies, handbooks and other employment documentation. We regularly plan and guide employers through reductions in force, exit incentive or early retirement programs, individual termination or disciplinary actions and the administration and implementation of policies to comply with federal and state laws.

INTELLECTUAL PROPERTY

Eckert Seamans assists numerous airlines and aerospace companies with the full spectrum of practice in this specialized area of law, including U.S. and foreign patent, trademark, copyright, trade secret and unfair competition law, and the negotiation, preparation and enforcement of a variety of related agreements such as license, assignment, consulting, employment, and nondisclosure and joint venture agreements.

REPRESENTATIVE MATTERS

The team regularly handles the following issues:

- Obtaining licenses, including U.S. certificate authority and foreign air carrier permits, renewals, exemptions, and statements of authorization as well as ensuring ongoing compliance with U.S. regulations;
- Drafting and negotiating commercial agreements, including codeshare, wet lease, block-space, global distribution system, and ground handling agreements;
- Assisting airlines in obtaining FAA air operator certificates and operations specifications and in ongoing compliance with federal aviation regulations, including aircraft registration, import and export of aircraft to and from the United States, and airworthiness, operational and new training requirements;
- Representing airlines and third party providers in FAA, DOT, USDA, OFAC, CBP and TSA enforcement/penalty proceedings;
- Defending airlines in litigation, including small claims matters, state and Federal litigation, and class action lawsuits.
- Advising U.S. and foreign airlines, as well as ticket agents and charter operators, on compliance with DOT consumer protection and disability regulations.
- Advising airlines, aircraft leasing firms and aircraft repair stations on U.S. export control issues, including Department of Treasury economic sanctions relating to the sale and export of American-made equipment;
- Drafting, negotiating and obtaining DOT regulatory approvals for charter agreements;
- Obtaining international carrier customs bonds and handling U.S. customs and immigration issues;
- Ensuring compliance with U.S. employment laws affecting foreign and locally engaged staff, including issues of wrongful termination and discrimination;

- Negotiating labor contracts, conducting arbitrations, and advising clients on ongoing labor strategy; representing clients under the Railway Labor Act and the National Labor Relations Act;
- Advising on and preparing contract documentation for equipment purchases, leases and financings;
- Preparing and filing Uniform Commercial Code (UCC) financing documents and amendments, including registration of international security interests under the Cape Town Convention;
- Representing airlines before airport authorities in regard to lease of airport premises, gates, slots and other operational issues;
- Preparing documentation for service mark and trademark registrations;
- Preparing and reviewing contracts with travel agents and wholesalers, charter contracts and maintenance and spare parts contracts; and
- Counseling on compliance with U.S. and international antitrust laws, evaluation of mergers and acquisitions, handling Hart-Scott-Rodino pre-merger notifications, and development of comprehensive antitrust compliance programs.

NEWS AND INSIGHTS

For more news & insights from the Aviation Group, visit the Aviation Blog.