

# Petition

Via Fax

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## American Airlines Remains Silent on Warsaw Damage Cap

The crash of American Airlines Flight no. 965, in Cali, Columbia was the first crash of an international flight since the international aviation community agreed to lift the Warsaw Convention cap on damages.



On October 31, 1995 the International Air Transport Association adopted the "Intercarrier Agreement on Passenger Liability" in Kuala Lumpur, Malaysia. The agreement eliminates the \$75,000 to \$100,000 dollar cap on damages in the Warsaw Convention because of its unrealistic nature.

"Our carriers have long recognized that the limits were unrealistically low," said IATA Director General Pierre J. Jeannot. "but governments have been unable to agree on amending the applicable international law, so the airlines are now taking action to modernize the liability system."

While the agreement is set to take effect November 1, 1996, airlines always have the option of waiving the damage cap. American Airlines noted the unrealistic nature of the damage cap in the "International Agreement on Passenger Liability", but has remained silent as to whether it will waive the cap for the passengers of American Airlines Flight no. 965.

### Helpful Aviation sites on the World Wide Web:

- ✪ **Final Passenger List for Flight #965 as provided by American Airlines**  
<http://www.amrcorp/amr/dec95.htm>
- ✪ **Federal Aviation Administration Library**  
<Ftp://fwux:Fedworld.gov/pub/faa/faa.htm>
- ✪ **Federal Aviation Administration News**  
<Http://www.tc.faa.gov/2dv/faanews/faanews.html>
- ✪ **National Transportation Safety Board Regulations**  
[Http://acro.harvard.edu/Ga/Far/part\\_821/section\\_811.1.html](Http://acro.harvard.edu/Ga/Far/part_821/section_811.1.html)
- ✪ **General Aviation Servers**  
<Http://acro.harvard.edu/Ga/ga.html>  
[Http://macwww.dberau.edu/www\\_virtual\\_lib/aviation/misc.html](Http://macwww.dberau.edu/www_virtual_lib/aviation/misc.html)  
<Http://www.gov.nb.ca/hotlist/aviation.htm>
- ✪ **International Air Transport Association Pages**  
**Statistics:**  
<Http://www.gold.net/users/fx34/index.html>

### Seminars:

<Http://www.jaring.my/iata.html>

### Technical Department:

<Http://www.cam.org/~mm/>



## Airline Travel Convenience At What Risk - Know The Facts Before You Board the Plane



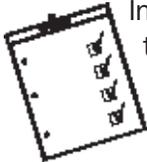
Time, comfort, and convenience are all good reasons why air travel has grown in popularity over the past several decades. But what are the risks associated with air travel? Although aviation technology is steadily improving, human error and the manufacturing of defective products are still constant factors in many recent airline crashes.

Federal Aviation Administration investigations have unveiled evidence where inadequate attention to maintenance procedures by some airlines, in addition to poor employee training, played a significant role in at least six airline accidents over the past decade.



Clearly, in many crash cases the shortcomings of the government's system for insuring passenger safety has holes. Airline mishaps are often due to inconsistencies in the aviation industry, inadequate training of pilots in emergency situations, and the production of defective products by aircraft and engine manufacturers.

"Consumers have a right to know about the safety of the aircraft they are about to board," states LLR partner Ira Leesfield. "I have tried many cases where either the engine parts were defective or the pilot made serious errors during the flight which resulted in a fatal crash. Clearly, if the proper steps were taken by maintenance crews or flight trainers, these crashes may not have occurred."



Inadequate inspector training has been cited by the National Transportation Safety Board as one cause of at least three accidents since 1983. Many inspectors say they are assigned to inspect an airplane, for example a 737, without having received proper training on that particular aircraft—and all airplanes are not the same. "In essence, the very people who are providing the checks and balances on the airline industry are not properly prepared to do their jobs and are adding to the problem rather than offering solutions," adds Leesfield.

After having won several complex aviation wrongful death cases, Leesfield Leighton & Rubio continues to expand its aviation law practice. The firm has handled many high-profile aviation cases involving commercial airlines, charter airlines and helicopters. In all the cases, the firm's clients won multi-million dollar verdicts and settlements.

### **"Long after we are gone, the everglades ecosystem will be our legacy to our children and the rest of the nation."**

George McKim Barley Jr. 1934-1995



George Barley Jr.

George McKim Barley Jr. was perhaps the most powerful environmental activist Florida has ever seen. With "Save Our Everglades", an organization he founded, George Barley championed the preservation of the

everglades ecosystem and the restoration of Florida Bay. He led the campaign for the "penny a pound" sugar tax which, if passed, could raise up to \$700 million dollars for the everglades clean-up and restoration. George Barley's energy and impact on the Florida environmental movement was likened to Marjory Stoneman Douglas, who first attracted public attention to the everglades' ecosystem decades ago with her book *River of Grass*.

On June 24, 1995, while on his way to a meeting with the U.S. Army Corps. of Engineers in Jacksonville to talk about an everglades restoration project, George Barley met his untimely death in a tragic plane crash in Orlando, Florida. The fuel system in the airplane's engine had failed.

**Leesfield Leighton & Rubio** is honored to represent the family and estate of this great activist in the litigation surrounding this unnecessary tragedy. Shortly after the lawsuit was filed, the airplane's charter company, Air Orlando, entered into a multi-million dollar settlement. As the lawsuit continues against the airplane's manufacturers, Mary Barley continues the environmental legacy of her late husband. "I am proud to represent a Floridian so dedicated to the public good," says Leesfield.