Our Plane Has Crashed, What Do We Do Now ?

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Our Aircraft is Down!



• HERE COME THE FEDS

• THE LAWYERS ARE CIRCLING OVERHEAD (or have they landed?)

• WHAT IS AN PILOT/OPERATOR TO DO?

IMMEDIATELY AFTER THE CRASH ACTIVATE YOUR RESPONSE PLAN FOR EMERGENCIES

- A. Protect People
- **B.** Protect Property
- C. Notify NTSB/Insurance/Attorney
- D. Protect and Save Evidence/Documents
- E. Aircraft Recovery

NOTIFICATION TO:

- A. The NTSB
- B. The FAA POI (If air carrier)
- C. If carrying mail, then the US Postal Service
- D. Your Insurance Broker or Underwriter
- E. Your Attorney

WHAT YOU SHOULD DISCUSS AND WITH WHOM With the NTSB

- General Details of the Accident; Avoid Speculation, Admissions, or Conjecture
- Issues of Preservation of Wreckage
- Party Status
- Records to be Recovered, Produced and Copied
- Interviews to be Conducted and Who Should Attend

- All persons interviewed by the NTSB are entitled to legal representation.
 49 CFR 831.7.
- Given the potential for criminal prosecution, as well as civil liability, you should not allow any employee (or yourself) to be interviewed without legal representation.

THE INTERVIEW PROCESS

INSIST ON YOUR ATTORNEY BEING PRESENT.

Assists in focusing responses

- Protects due process rights as appropriate
- Can ensure that summary as eventually typed accords with what you said
- Can assist in gathering information

No documents should be given to the NTSB, FAA, or anyone for that matter until they have been copied

Any private documents provided should be marked "Confidential"

PILOT/OPERATOR ACCIDENT REPORT

NTSB FORMS

IMPORTANT ITEMS TO CONSIDER

NARRATIVE HISTORY OF FLIGHT

NARRATIVE:HISTORY OF FLIGHT (Please type on print in ink) Describe what occurred in chronological order, circumstances leading to accident and nature of accident. Describe terrain and include sketch of wreckage distribution if perturent. Attach extra sheets if needed. State point of departure, time of departure, intended destination and services obtained.

RECOMMENDATION (How this accident could have been prevented?)

RECOMMENDATION (How could this accident have been prevented 2)

Operator/Owner Safety Recommendation

WHAT YOU SHOULD DISCUSS AND WITH WHOM

With the FAA:

FAA has two roles: safety investigation and enforcement

Anything they want, make sure to keep copies

Right to inspect records and aircraft; no requirement to answer questions

Need for an attorney or third party witness



Issues Relating to Use of the FAA or NTSB interviews in later enforcement and proceedings

INTERVIEWS WITH THE FAA

NOTIFY YOUR BROKER/INSURER

- General Details of the Accident
- Request for Assignment of Counsel
- Coverage for Aircraft Recovery
- Proof of Loss Form



Limits on Liability

- Alaska Statute 09.65.112
- Applies to Non-Commercial Operations
- Limits Liability To Insurance If There Is
 Insurance
- Are Exceptions, e.g., Gross Negligence

What if you have no insurance?

- For Non-Commercial Operations
- Immunity If You Give Notice That You Have No Insurance
- Must Be Given Before the Passenger Enters the Aircraft
- Even Better If You Have Passenger Sign Acknowledgment

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