

Settlement Negotiation In Aviation Cases



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13th Annual McGill University/PEOPIL Conference on
International Aviation: Liability, Insurance & Finance

Robert Hedrick

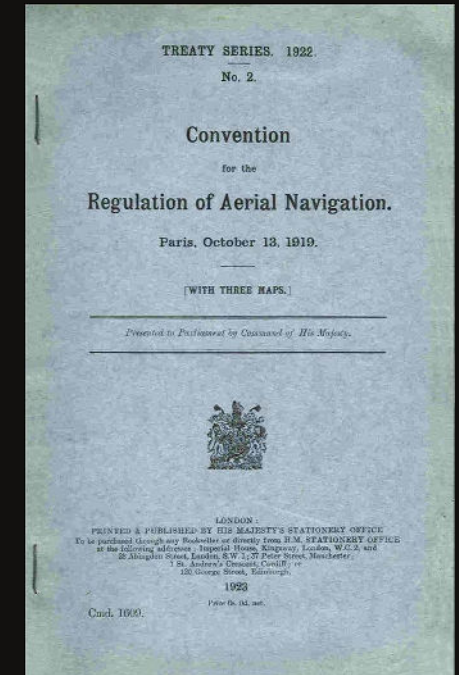


aviation law group ps

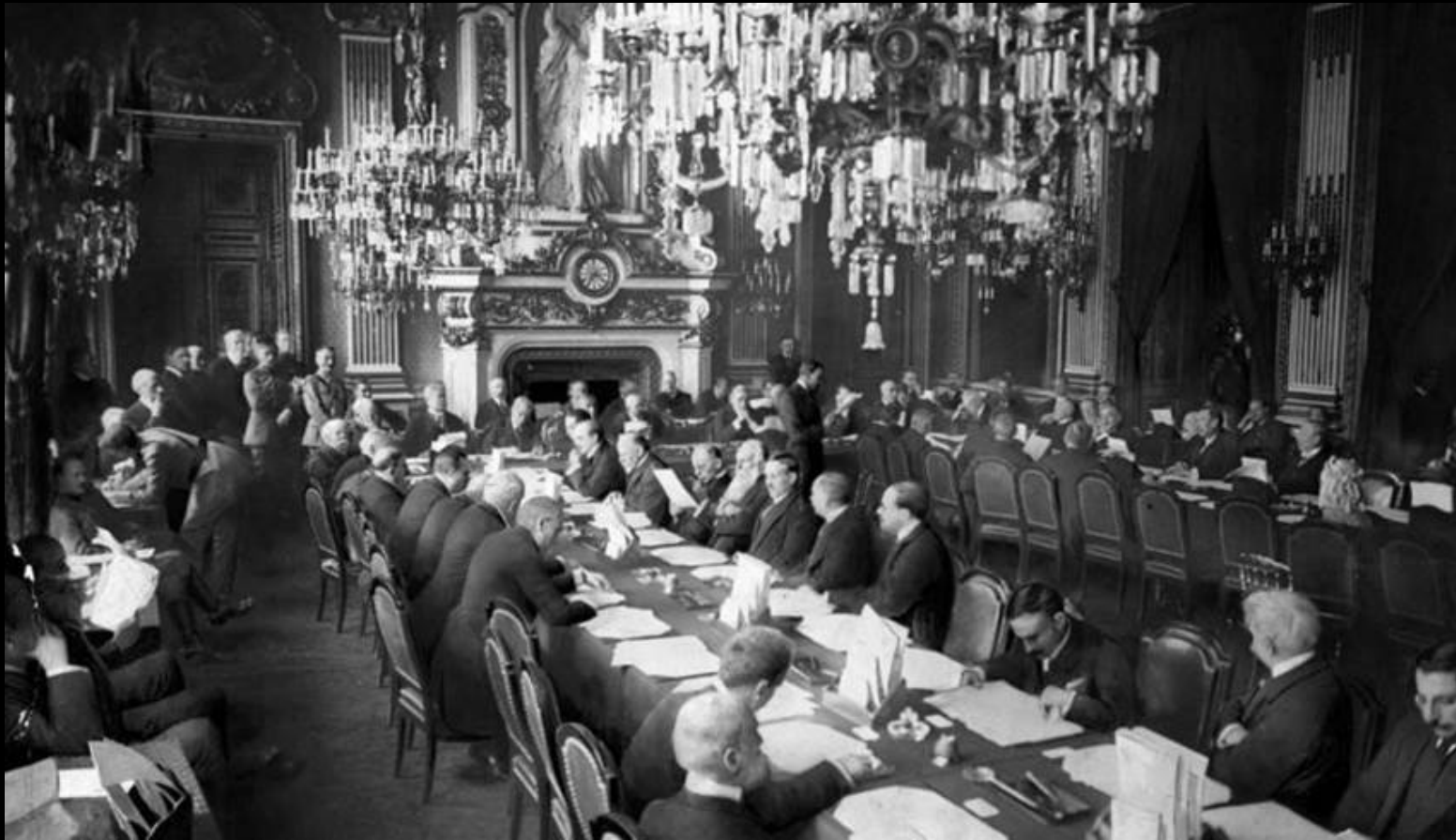


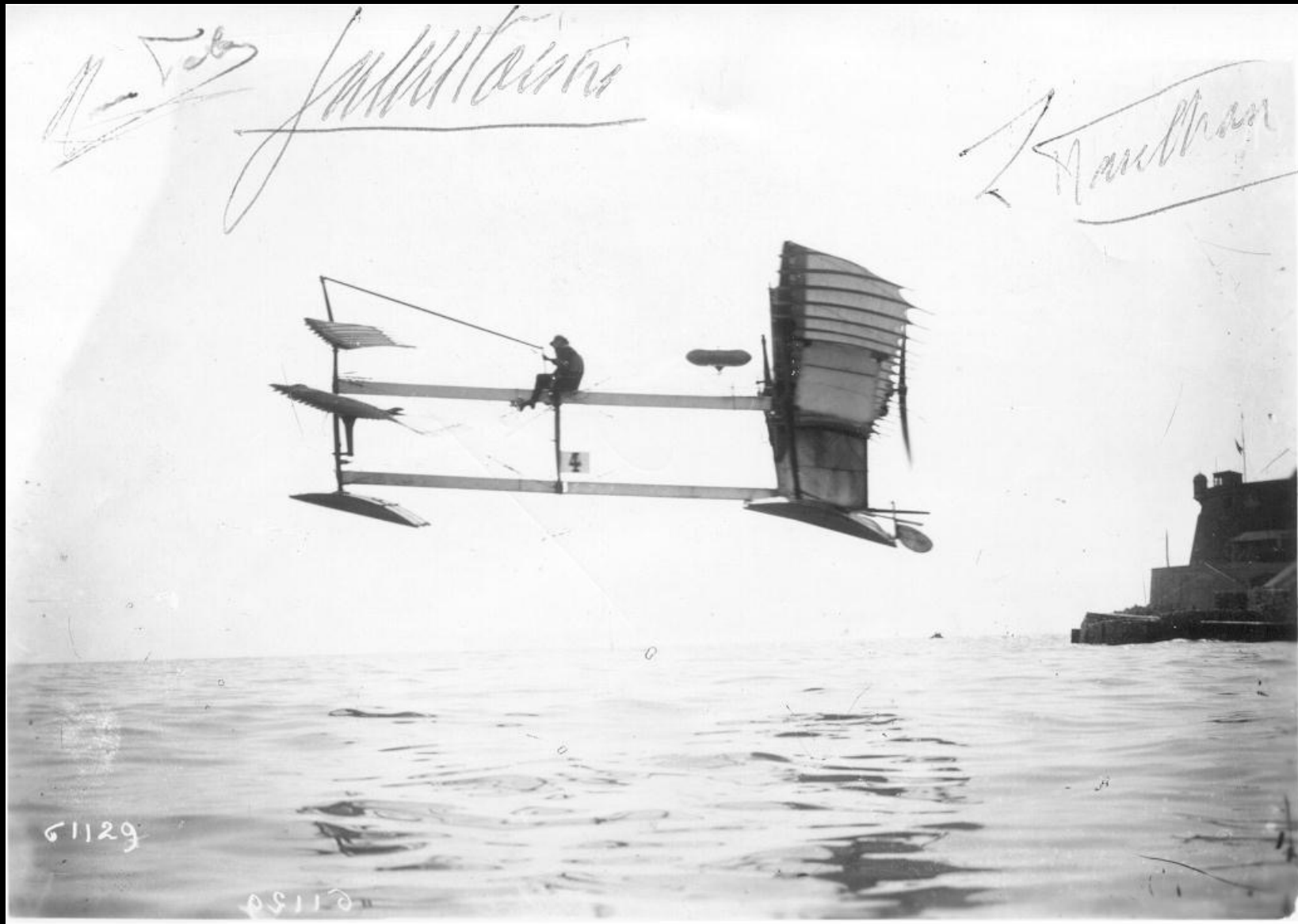
Paul Fauchille – 1858-1926

- 1910 Paris International Air Navigation Conference
- 1919 Paris Convention
 - Air Sovereignty
 - National Aircraft Registration
 - Restrictions on Military Aircraft Movement



Ministry of Foreign Affairs, Salon De l'Horloge





Henri Fabre, Hydravion 1910

Summary of Topics

1. Virtual Mediation

a. Effective?

b. Pros and Cons

c. Recommendations

2. Thinking Outside the Box

a. What does it mean?

b. Examples



Virtual Mediation

Is it Effective?

It's Just A Different Approach

**Is Human Contact
Diminished?**



Virtual Mediation – The Facts

February 2023 Survey – 1100 US Mediators

70% of mediations are virtual

10 % are hybrid (in-person and virtual)

20 % are in-person

14% of mediators staying with VM only

The top 8 states in the US for Virtual Mediations:

Hawaii – 98%

Vermont – 95%

New Mexico, Florida, Maine, Alaska

California – 85%

Colorado

States with the most In-Person Mediations:

Louisiana, Mississippi, Alabama, Tennessee,

Nebraska, Kansas, Arkansas.



Virtual Mediation

Advantages?

Convenience For Decision Makers.

No Travel

Less work interference

Staying In-the-know

Enhances Effectiveness

Disadvantages?

Technology Challenges

Lack of *Random* In-Person Interaction

Alternative



Virtual Mediation Recommendations:

Pre-mediation technology check: All

Each attendee has own computer

No undisclosed persons in room

Discourage Hybrid Approach

Dress/Background Appropriate



Think Outside The Mediation Box

What does this mean?

For Plaintiffs

For Defendants

For Example:

Early Mediation

Informal Discovery

Difficult Issues Impacting Value:

Choice of Law

