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2022 Aviation Private Roundtable
**How Not to Write an
Incident/Accident Report**

Presented By



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You Have Had an Accident or Incident

- Does it have to be reported to the government?
- Does it have to be reported at the Federal, State, and or Local Level?
- How do I know?
- When in doubt, report it?
- Example – light aircraft owned by the company is marshalled into a neighboring Boeing 777, piercing the skin of the fuselage

You Have Had an Accident or Incident

- NTSB requires the operator of any civil aircraft to provide “immediate notification” when an aircraft accident or serious incident occurs:
 - 1) Flight control system malfunction or failure
 - 2) Inability of any required flight crewmember to perform normal flight duties as a result of injury or illness
 - 3) Failure of any internal turbine engine component that results in the escape of debris other than out the exhaust path
 - 4) In-flight fire
 - 5) Aircraft collision in flight
 - 6) Damage to property, other than the aircraft, estimated to exceed \$25,000 for repair (including materials and labor) or fair market value in the event of total loss, whichever is less
 - 7) Any event in which an operator, when operating an airplane as an air carrier at a public-use airport on land:
 - i. Lands or departs on a taxiway, incorrect runway, or other area not designed as a runway; or
 - ii. Experiences a runway incursion that requires the operator or the crew of another aircraft or vehicle to take immediate corrective action to avoid a collision.

You Have Had an Accident or Incident

- What do you have to report?
 - Check the regulations and read the forms before filling them out
 - Example – NTSB § 830.6
- The notification required in § 830.5 shall contain the following information, if available:
 1. Type, nationality, and registration marks of the aircraft
 2. Name of owner, and operator of the aircraft
 3. Name of the pilot-in-command
 4. Date and time of the accident
 5. Last point of departure and point of intended landing of the aircraft
 6. Position of the aircraft with reference to some easily defined geographical point
 7. Number of persons aboard, number killed, and number seriously injured
 8. **Nature of the accident, the weather and the extent of damage to the aircraft, so far as is known**
 - A description of any explosives, radioactive materials, or other dangerous articles carried

Is There an Additional Duty for a Follow-Up Report?

- Example: 49 CFR § 830.15
 - 1) Reports - The operator of a civil, public (as specified in § 830.5), or foreign aircraft shall file a report on Board Form 6120. 1/2 (OMB No. 3147-0001) **within 10 days after an accident, or after 7 days if an overdue aircraft is still missing. A report on an incident for which immediate notification is required by § 830.5(a) shall be filed only as requested by an authorized representative of the Board.**
 - 2) Crewmember statement - Each crewmember, if physically able at the time the report is submitted, shall attach a statement setting forth the facts, conditions, and circumstances relating to the accident or incident as they appear to him. If the crewmember is incapacitated, he shall submit the statement as soon as he is physically able.
- From the Form:

The Pilot/Operator Aircraft Accident/Incident Report Form is used in determining the facts, conditions, and circumstances for aircraft accident prevention activities and for statistical purposes. It is necessary that **ALL** questions be answered completely and accurately to serve the above purposes.

Is There an Additional Duty for a Follow Up Report?

- Be wary of the “fill out the form” attitude
- Providing accurate factual information is important
- If a fact is not known, it is ok to leave it blank
- Use the time available after the accident to gather facts

BASIC INFORMATION			
Accident/Incident Location Nearest City/Place: _____ State: _____ ZIP: _____ Country: _____ Latitude: _____ (dd:mm:ss N/S) Longitude: _____ (ddd:mm:ss E/W)		Date/Time Date: _____ Local Time: _____ <i>mm/dd/yyyy</i> Time Zone: _____	
Phase of Operation <input type="checkbox"/> Standing <input type="checkbox"/> Takeoff (incl. initial climb) <input type="checkbox"/> Cruise <input type="checkbox"/> Hover <input type="checkbox"/> Taxi <input type="checkbox"/> Climb <input type="checkbox"/> Maneuvering <input type="checkbox"/> Other <input type="checkbox"/> Descent <input type="checkbox"/> Landing <input type="checkbox"/> Approach <input type="checkbox"/> Unknown		Collision with Other Aircraft <input type="checkbox"/> Midair <input type="checkbox"/> On-ground <input type="checkbox"/> None	Altitude of In-Flight Occurrence _____ ft MSL
AIRCRAFT INFORMATION			
Manufacturer: _____ Model: _____ Serial Number: _____ Registration Number: _____ Amateur-built: <input type="checkbox"/> Yes <input type="checkbox"/> No		Max Gross Weight: _____ lbs Weight at Time of Accident/Incident: _____ lbs Location of Center of Gravity at Time of Accident/Incident: _____ inches from <input type="checkbox"/> nose or <input type="checkbox"/> datum -or- _____ Percent Mean Aerodynamic Cord (% MAC)	
Category of Aircraft <input type="checkbox"/> Airplane <input type="checkbox"/> Balloon <input type="checkbox"/> Blimp/Dirigible <input type="checkbox"/> Glider <input type="checkbox"/> Gyrocraft <input type="checkbox"/> Helicopter <input type="checkbox"/> Powered lift <input type="checkbox"/> Ultralight <input type="checkbox"/> Unknown	Type of Airworthiness Certificate <i>(Check all that apply)</i> Standard <input type="checkbox"/> Normal <input type="checkbox"/> Utility <input type="checkbox"/> Acrobatic <input type="checkbox"/> Transport Special <input type="checkbox"/> Restricted <input type="checkbox"/> Limited <input type="checkbox"/> Provisional <input type="checkbox"/> Experimental <input type="checkbox"/> Special Flight <input type="checkbox"/> Light Sport	Number of Seats: _____ If Large Aircraft, how many seats for: Flight Crew: _____ Cabin Crew: _____ Passengers: _____	Landing Gear <input type="checkbox"/> Retractable Check any additional landing gear configuration that applies: <input type="checkbox"/> Tricycle <input type="checkbox"/> Tailwheel <input type="checkbox"/> Amphibian <input type="checkbox"/> High Skid <input type="checkbox"/> Emergency Float <input type="checkbox"/> Skid <input type="checkbox"/> Float <input type="checkbox"/> Ski <input type="checkbox"/> Hull <input type="checkbox"/> Ski/Wheel <input type="checkbox"/> Unknown
Type of Maintenance Program <input type="checkbox"/> Annual <input type="checkbox"/> Conditional (Amateur-built only)		Last Inspection Type <input type="checkbox"/> 100 Hour <input type="checkbox"/> Continuous Airworthiness <input type="checkbox"/> AAIP <input type="checkbox"/> Conditional Inspection	
Date Last Inspection: _____ <i>mm/dd/yyyy</i>			

Is There an Additional Duty for a Follow-Up Report?

- Decline the invitation to speculate
- Choose your words carefully
- Avoid passing on pre-conceived notions about what happened and why
- “The investigation is ongoing”
- Beware the paper trail when vetting answers internally

NARRATIVE HISTORY OF FLIGHT (Please type or print in ink)

Describe what occurred in chronological order, including circumstances leading to and nature of accident/incident. Describe terrain and include wreckage distribution sketch if pertinent. Attach extra sheets if needed. State time and point of departure, intended destination, and services obtained.

RECOMMENDATION (How could this accident/incident have been prevented?)

Operator/Owner Safety Recommendation

ADDITIONAL INFORMATION (Please type or print in ink)

Use this space if additional space is needed for any answers.

I HEREBY CERTIFY THAT THE ABOVE INFORMATION IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Date of this Report

mm/dd/yyyy

Signature and Name of Pilot/Operator

Signature: _____

Type or Print Name: _____

Signature and Name of Person Filing Report if Other than Pilot/Operator

Signature: _____

Type or Print Name: _____

Title: _____

Is There an Additional Duty for a Follow-Up Report?

- This is a common theme on virtually all official accident reporting forms, such as OSHA

Names of witnesses (if any):
Where, exactly, did it happen?
What were you doing at the time?
Describe step by step what led up to the injury/near miss. (continue on the back if necessary):
What could have been done to prevent this injury/near miss?
What parts of your body were injured? If a near miss, how could you have been hurt?

Recent NTSB Examples

- **Safari Aviation Airbus AS350 B2 crash on December 26, 2019**
 - May 10, 2022 press release by NTSB blaming failure of FAA to implement NTSB safety recommendations such as SMS systems for Part 135 operators; Hawaii specific inflight weather training recommendation dating back to 2007
 - 10 recommendations to FAA
 - Island Express Helicopter Sikorsky S-76B Flight Into Terrain in Calabasas, CA on January 26, 2020
- **Single Pilot VFR flight into instrument conditions**
 - Multiple factors include self-induced pressure, plan continuation bias, spatial disorientation, training, SMS system for Part 13 long requested by NTSB, pilot was chief pilot and check airman, company's training exceeded FAA requirements

Pitfalls in Internal Investigations and Internal Reports

- Use of probabilistic terms:
 - How possible is possibly?
 - How probable is probably?
 - Is likely different from probably?
 - At what point is an outcome more likely than not?
- Resist quantifying the unquantifiable – Can you really put a percentage on it?
- What effect does your word choice have on the reader?
 - Always
 - Certainly
 - With a high probability
 - Usually
 - Likely
 - Often
 - More often than not
 - Possibly
 - Unlikely

Pitfalls in Internal Investigations and Internal Reports

- What happened?
 - Am I telling a story or relaying the facts
 - Do I know the people involved and allowing it to affect the language I am using
 - What is my past experience with the issue
 - Am I assuming that this accident happened like a previous accident?
 - Is this the first time an accident like this occurred?
- If I know the facts, are they being conveyed in the report?
 - “The accident happened at the Atlanta airport in February”
 - “The accident happened on February 23, 2021 at 10:04 PM in the aircraft movement area adjacent to Gate 23 at the Hartsfield-Jackson Atlanta International Airport.”
- If a statement could begin with “in my opinion” think about whether it should be in the report

Pitfalls in Internal Investigations and Internal Reports

- The proper tone is essential
 - Be objective
 - Avoid judgmental or loaded words
 - Negligently
 - Improperly
 - Dangerously
 - Recklessly
- Guide the reader to the conclusions
 - Introduction – provide the road map
 - Headings – provide the sign posts along the way
 - Organization is key
 - Lay the foundation first with the facts
 - Provide the standards that applied to the conduct
 - Contrast what is required with what was done
 - Does the recommendation flow from the conduct?

Pitfalls in Internal Investigations and Internal Reports

- Just because an accident happened does not mean anyone did anything wrong
- Was this a failure of the system or of individuals
- Avoid criticizing the systems that are in place if they played no part in the accident
- For example:
 - Did the employee follow procedures properly or negligently?
 - If the procedure was followed, was the procedure really inadequate or were other factors at play?
 - If there was no training provided on what happened, should there have been?
 - Was the accident really foreseeable or only in hindsight?

Pitfalls in Internal Investigations and Internal Reports

- Confidential and Proprietary Information
 - Exclude it unless it is truly necessary to understand the accident or address corrective actions
 - Always assume that there is a chance the document will be made public
 - Mark the Document!
 - The report potentially be sought by adversaries and government investigators
- Can I further protect the information?
 - Attorney Client Privilege
 - Understand the limits of the privilege in your jurisdiction
 - Do only certain people in the company count as the “client”
 - Limit distribution to those with a need to know
 - Avoid distribution to persons outside the company
 - Protect information gathering
- Attachments
 - Should I include pictures, diagrams, or sketches?

Pitfalls in Internal Investigations and Internal Reports

- Information gathering issues
 - Email is a great tool and your worst enemy
 - Consider a call with persons who will provide information in advance of written communication so they know how you want the information conveyed and to ensure they limit their response to the facts and only what they know
 - People providing information should not speculate, find fault, or air grievances
 - Witness statements
 - When should witnesses write their own statements and submit them?
 - When is it better to conduct an oral interview and reduce the notes to writing?
 - Should counsel be involved?
 - Who should sign-off on the reports, how far up the chain should you go?
- Drawing conclusions
 - What is the root cause?
 - What was a contributing factor?
 - Don't exaggerate, overstate, or predict what the outcomes might have been "but for . . ."
 - Are you under pressure to place blame?

Pitfalls in Internal Investigations and Internal Reports

- Final thoughts:
 - Don't admit to a violation of the law, just state the facts of what happened, other people will ultimately draw that conclusion
 - Don't put it in writing unless you want to see it on the local news
 - Facts first, conclusions later
 - The first news received is often wrong, confirm everything
 - Avoid becoming too attached to your early opinion/speculation of the cause formed when you initially heard what happened
 - Some of the most unreliable witnesses are eye-witnesses
 - Avoid implicating procedures or processes in the report that, while you think they might need changing, did not have anything to do with the accident



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Save the Date for the 2023 Aviation Symposium

February 7-9, 2023

Thank You

If you have any questions, please contact:



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