



Navigating Emotional Distress, Runway Overruns and Departures, Near Misses and Emergency Evacuations

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Introduction

- Overview of key legal concerns in aviation incidents
- Emotional distress in aviation law
- Runway overruns, near misses, and emergency evacuations

What is Emotional Distress?

- It is common to feel stress, especially after serious events or disasters like airplane accidents
- Most stress symptoms are temporary, but when the victim continues to suffer for weeks or months after the event, it may be more serious emotional distress or post-traumatic stress disorder (PTSD)
- Emotional distress can also cause problems in your personal relationships and affect your work

Emotional Distress in Aviation Law

- Definition: Emotional distress refers to mental suffering or anguish caused by a traumatic event
- Types:
 - Negligent Infliction of Emotional Distress (NIED)
 - Intentional Infliction of Emotional Distress (IIED)
- Legal requirements:
 - Emotional distress claims may arise without physical injury, but certain conditions must be met
 - Plaintiff must prove the defendant's conduct was outrageous or extreme

Is Physical Injury Required for Emotional Distress?

- No physical injury required:
 - Emotional distress claims can be brought without physical injury, but they require substantiation
- Proof of distress:
 - Verifiable emotional harm (e.g., anxiety, depression, post-traumatic stress)
 - Medical or psychological testimony to support claims
- Legal precedent:
 - Cases often hinge on demonstrating severity and causality between the event and distress

Runway Overruns and Departures

- Overview: A runway overrun occurs when an aircraft exceeds the runway during takeoff or landing.
- Key Factors:
 - Weather conditions
 - Pilot error or misjudgment
 - Runway conditions (e.g., wet, icy, short)
 - Aircraft mechanical failure
- Legal Implications:
 - Potential for both personal injury claims and property damage
 - Impact on airline liability and potential class action lawsuits

Near Misses in Aviation

- Definition: A near miss occurs when two aircraft come dangerously close to colliding but avoid a crash
- Legal Concerns:
 - Federal Aviation Administration (FAA) regulations
 - Potential emotional distress claims from passengers or crew
 - The standard of care for avoiding collisions
- Case Examples

Emergency Evacuations

- Definition: Emergency evacuations are required when an aircraft must be abandoned in response to a hazardous situation
- Legal Issues:
 - Timing and execution of evacuation
 - Passenger injury claims
 - Emotional distress claims resulting from evacuation stress
- Case Law

Considerations for Defending Against Emotional Distress Claims

1. Challenge Causation:

- Argue that the alleged distress was not directly caused by the incident
- Highlight pre-existing mental health conditions or unrelated stressors

2. Question Severity:

- Require medical or psychological evidence of significant distress
- Emphasize lack of documented diagnosis or treatment

Considerations for Defending Against Emotional Distress Claims

3. No Physical Injury:

- Leverage cases where physical injury is absent to argue weaker claims
- Focus on jurisdictions where emotional distress claims require physical harm

4. Demonstrate Reasonable Conduct:

- Show that the airline followed safety protocols and acted reasonably
- Present evidence of proactive measures taken during the incident

Considerations for Defending Against Emotional Distress Claims

5. Minimize Distress Impact:

- Argue that the incident was within the bounds of ordinary air travel risks
- Use expert testimony to downplay the psychological impact

6. Credibility Assessment:

- Examine inconsistencies in the claimant's account or behavior
- Scrutinize the plaintiff's witnesses or experts for potential bias

Considerations for Defending Against Emotional Distress Claims

7. Regulatory Compliance:

- Prove adherence to FAA, ICAO, or industry standards to refute negligence

8. Settlement Offers:

- Consider early settlement to avoid prolonged litigation and minimize costs

Navigating Legal Complexities

- Establishing Liability:
 - Proving negligence or recklessness in the events leading to the incident
 - Compensatory damages for emotional distress
 - Expert witness testimony in aviation-related emotional distress cases
- Best Practices for Aviation Attorneys:
 - Maintain clear documentation
 - Collaborate with aviation experts to substantiate claims

Conclusion

- Emotional distress is a significant factor in aviation litigation
- Attorneys must balance physical injury with emotional harm when evaluating claims
- Understanding runway overruns, near misses, and emergency evacuations is essential in crafting defense strategies and negotiating settlements

Thank You

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