

Hot Air, Cold Feet and High Stakes: Crisis Planning and Response

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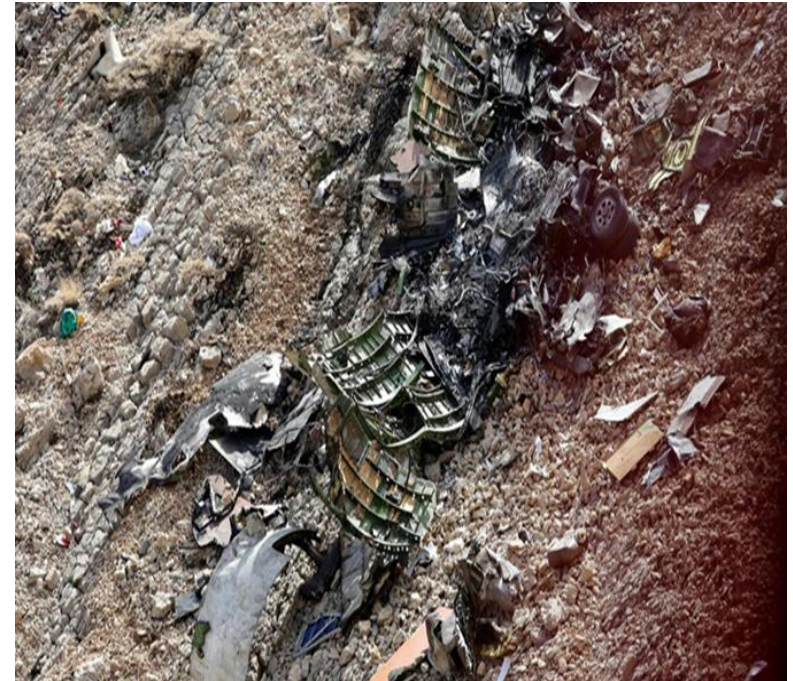
Cessna S550 Citation II, Indianapolis USA, 2019: 2 killed



Dassault Falcon 50, Greenville, USA 2018: 2 killed

Consequences

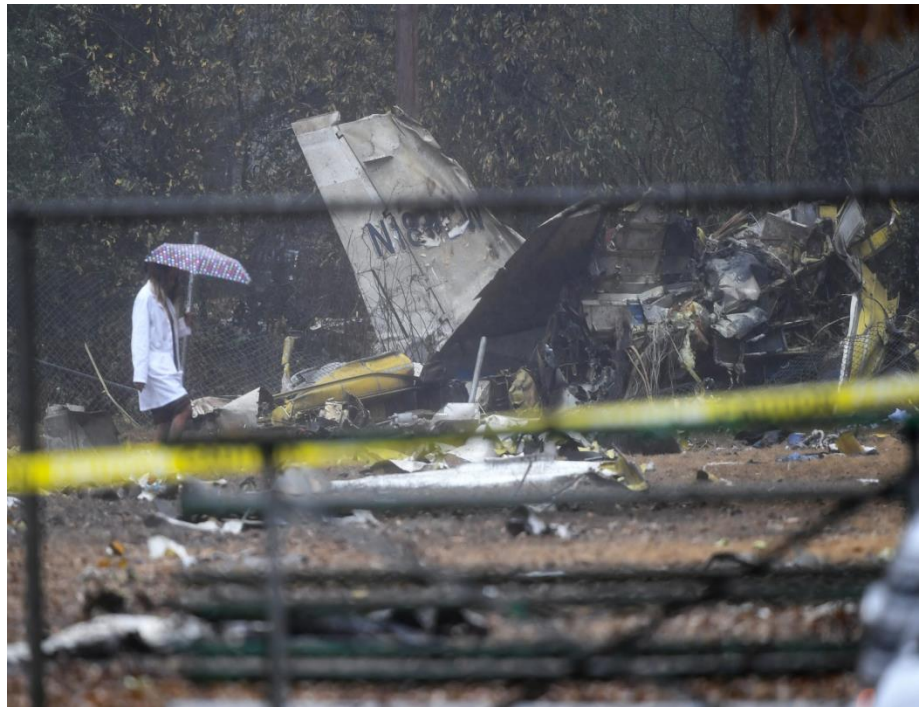
- **Immediate:**
 - Complex injuries, inability to work, death
 - Property damage
 - Economic losses
- **Liabilities**
 - Individual and corporate
 - **Civil Liabilities** – damages to owners, financiers, passengers, surface victims
 - **Criminal liabilities** – fines, imprisonment
 - **Administrative sanctions** – loss of licence, fines
- **Other considerations**
 - Possible loss of insurance
 - Suspension of operations
 - Bankruptcy
 - Disbarred from holding public office
 - Shame, stigma, loss of reputation



Turkish Bombardier Challenger 604 Iran 2018
11 killed

Crisis Planning: Contracts & ERM

- Should start before an aircraft is bought, operated and managed
- Addressing the liabilities and accident response
 - In financing, management and other agreements
 - Insurance
 - E & A, Emergency Response Manuals
 - fit for purpose (audit)
- Training



Cessna 560 Citation V crash, Atlanta, USA December: 4 killed

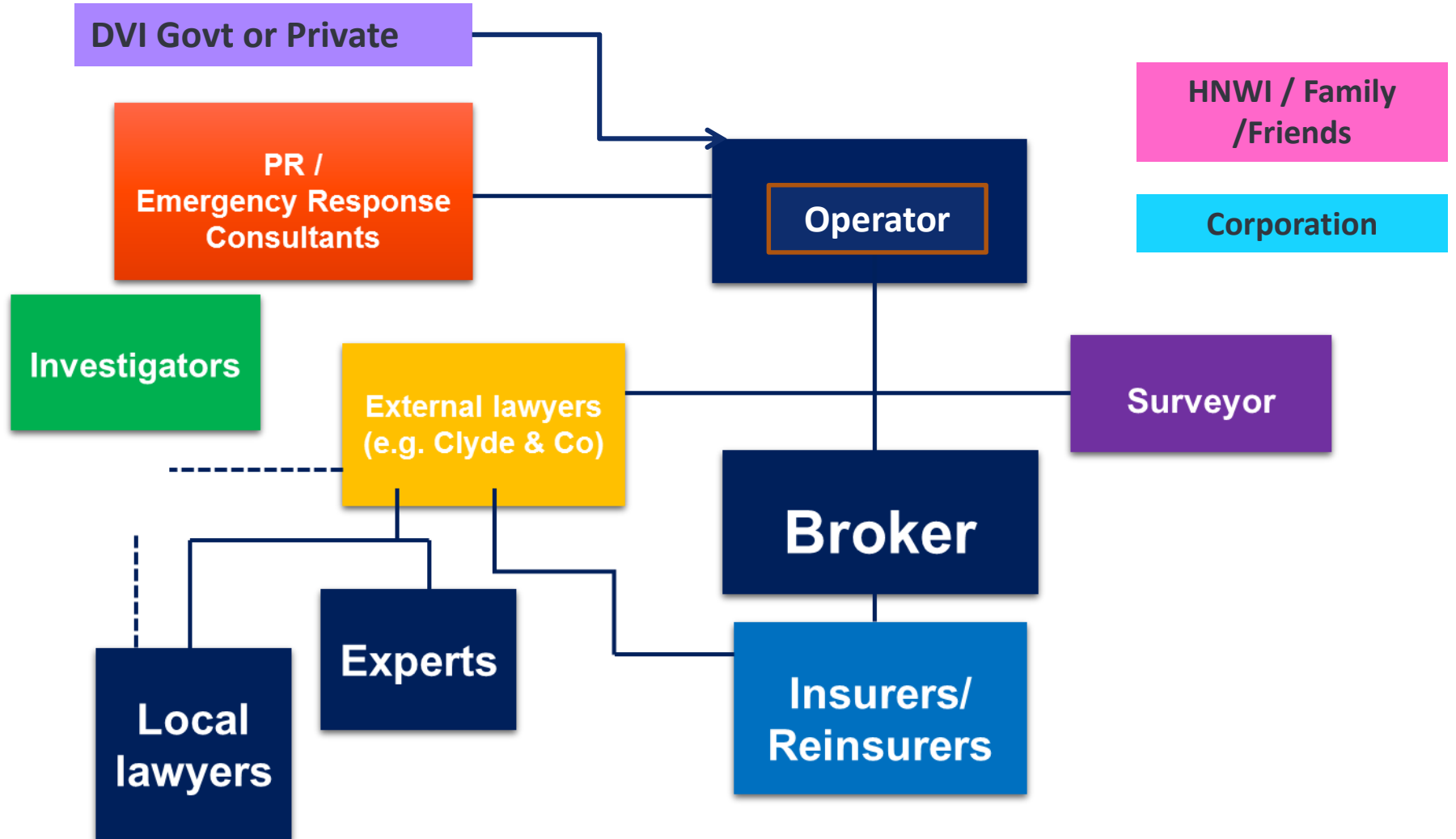
Crisis Planning: Containment Protocols

- Policy Protection of HNWI and families
- Protection of executives, key account holders, crew and company
- Information management and invoking legal advice and litigation privilege
- Do's and Don'ts:
 - The stakeholders that assist you
 - Investigators
 - Plaintiff bar
 - Media and media management



Cessna 414 crash, Yorba Linda, USA, 2019: 5 killed

Crisis Response - Stakeholders



Rapid Response

- A team approach is critical. Ideally participate in regular drills, debrief and meet regularly.
- Some support functions include:-
 - a) Co-ordinate between Owner/Operator/FBO/all parties involved in the operation
 - b) Liaising with officials / Investigating authorities
 - c) Collate passenger data
 - d) Reviewing documents – aircraft operational documents, financing, maintenance logs
 - e) Liaise with Brokers and Insurers to ensure funds are available for immediate payments
 - f) Develop claims handling strategy – On the spot legal support and guidance; co-ordination with media and victims/families of victims involved
 - g) Preservation of documents and evidence: spoliation



Bombardier Challenger 601, Mexico, 2019, 13 killed

Crisis Management - Initial Response

- T+60 minutes:
 - Confirmation of the nature of the event
 - Expression of regret and concern for those on board
 - Factual information which has been verified (flight number, aircraft type, origin/destination, number on board, where and when the event occurred)
 - Actions taken since incident was notified – e.g. opening an emergency enquiry centre, mobilising support teams
 - Immediate priorities for the operator – e.g. dispatching a 'go-team' to the scene, contacting the loved ones of those on board.



Epic-LT crashed and exploded in Germany, March 2019. Co-Owner of S7 killed.

Social Media - It's Unavoidable

- Consider dark site as a source for updates
- Activate hotline numbers (do you have a nominated provider?)
- Affected families may well group together
- Claimant lawyers will promote services and disseminate “factual information”

- ✓ Don't be silent
- ✓ Get the message out
- ✓ Update regularly
- ✓ Centralise the information/message
- ✓ Own the conversation
- ✓ Be prepared



Gulfstream crash, Honduras, 2018

Crisis Management - Media

- T+3 hrs:

First media appearance/statement by most senior executive to arrive at location where families, media and authorities are congregating (usually at/near the accident scene or arrival/departure airport).

- Should you say sorry?

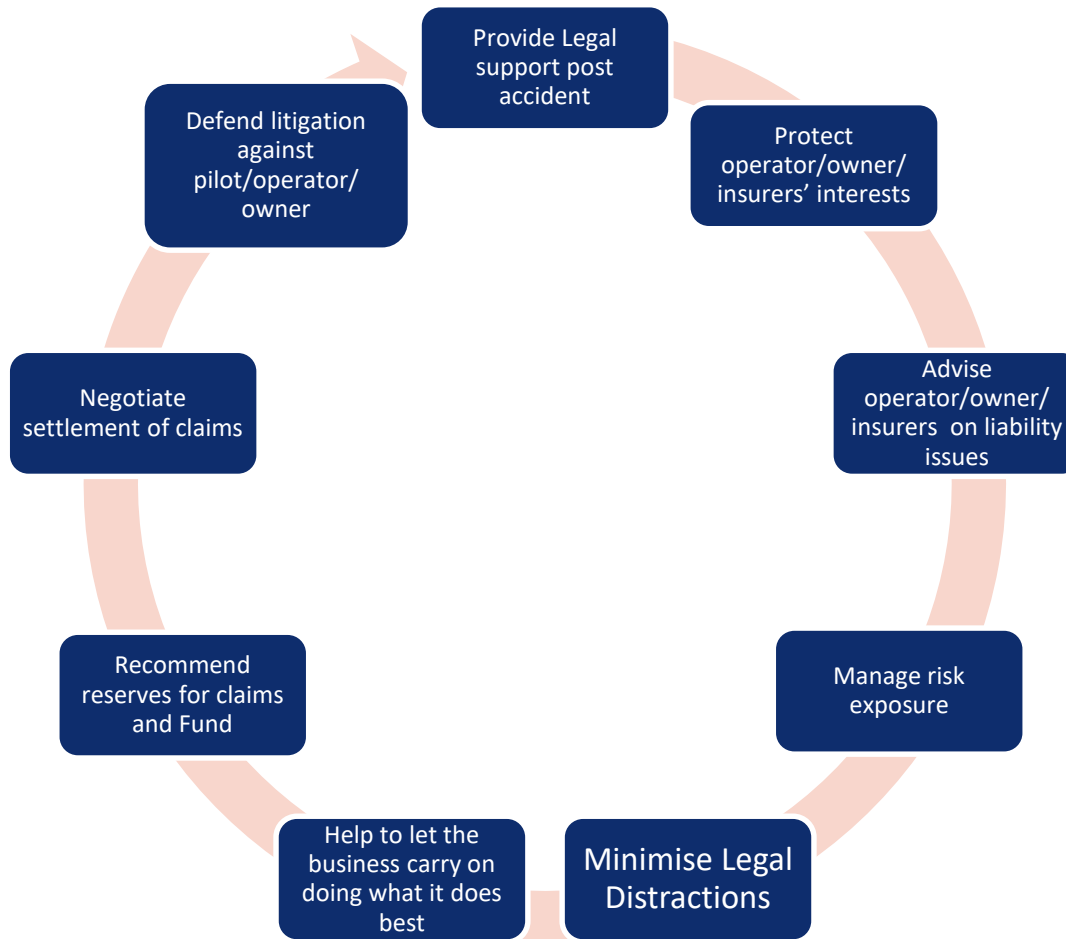


Assistance to Passengers / NOK including advance payments

- Family Assistance to NOKs - query statutory applicability but in any event, best practice:
 - Caregivers
 - Counselling services
 - Initial financial assistance
- Practical measures - DVI
- Repatriation of Personal Effects
- Funeral Arrangements
- Applicable laws may require operators of commercial transport flights to make advance payments to next of kin in order to meet their immediate economic needs
- Not a recognition of liability
- May be offset against any amounts subsequently paid as compensation



Role of a lawyer



Global

50+

Offices

415

Partners

3,800

Total staff

Asia Pacific

10+

Offices

57

Partners

515

Total staff

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