

TRANSPORTATION

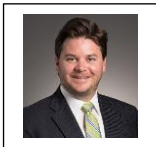
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IN THIS ISSUE

The author discusses the Kevin Bacon of the legal world: Transportation Law. This ubiquitous field intersects with a wide variety of other practice areas (or at least within six degrees), and the best way to navigate the highways, skyways, and waterways across these interconnected topics is to get engaged with the IADC Transportation Committee.

Six Degrees of Transportation Law

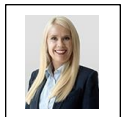
ABOUT THE AUTHOR



Andrew M. Bowman is a shareholder with Foliart, Huff, Ottaway & Bottom, P.C. in Oklahoma City. He received a Bachelor of Arts degree from the University of Central Oklahoma and graduated *magna cum laude* from Oklahoma City University School of Law with a Juris Doctor. Andrew concentrates his practice in the areas of commercial litigation, insurance law and general civil litigation, with an emphasis on cases involving products liability, premises liability, extra contractual liability, employment and contract disputes, personal injury, trucking accidents, and mass and toxic torts. He can be reached at andrewbowman@oklahomacounsel.com.

ABOUT THE COMMITTEE

This IADC Committee was formed to combine practices of aviation, rail, maritime with trucking together to serve all members who are involved in the defense of transportation including aviation companies (including air carriers and aviation manufacturers), maritime companies (including offshore energy exploration and production), railroad litigation (including accidents and employee claims) and motor carriers and trucking insurance companies for personal injury claims, property damage claims and cargo claims. Learn more about the Committee at www.iadclaw.org.



Heather Devine
Committee Chair

Alexander Holburn Beaudin + Lang LLP
hdevine@ahbl.ca

The International Association of Defense Counsel serves a distinguished, invitation-only membership of corporate and insurance defense lawyers. The IADC dedicates itself to enhancing the development of skills, professionalism and camaraderie in the practice of law in order to serve and benefit the civil justice system, the legal profession, society and our members.

When most people think of transportation law, it brings to mind images of trains, ships, trucks, and aircraft...and rightfully so. Since becoming involved in the IADC Transportation Committee a few years ago, however, my perception has changed slightly. It now reminds me more of a certain prolific American actor and the popular parlor game that bears his name.

For those who have never played Six Degrees of Kevin Bacon, it involves players challenging each other to arbitrarily choose an actor and then connect them via films that both actors have appeared in together. This process is repeated to try and find the shortest path that ultimately leads to Kevin Bacon. The game is based on the premise that anyone involved in the Hollywood film industry can be linked through their film roles to Bacon within six steps. For example, one player might shout, "Marlon Brando!" Another could then proceed by connecting Brando to Al Pacino, who starred in *The Godfather* alongside Brando. Pacino was in *Scarface* with Michelle Pfeiffer, who appeared in *I Am Sam* with Sean Penn, who was in *Mystic River* with...you guessed it: Kevin Bacon.

Transportation law, like Mr. Bacon in the movie industry, is everywhere. Defense lawyers and in-house attorneys in almost every area of the law will encounter it at one time or another. Those who practice in products liability representing manufacturers may encounter a dispute arising out of a train derailment like the one that occurred recently in South Dakota, or a plane crash, or a sinking ship. There could

also be issues with a manufacturing or pharmaceutical client obtaining materials from overseas, giving rise to a contract dispute. You have likely seen pictures on the news of the dozens of ships waiting outside the Ports of Los Angeles and Long Beach to be unloaded. You can imagine that such back-ups are causing problems beyond just your holiday shopping. Personal injury tort cases involving trucking and railroad clients also involve insurance issues, and the available claims and defenses may vary not just by jurisdiction but also by the defendant's status as a federal motor carrier or classified railroad. Employment and discrimination lawyers may deal with cases involving public transportation, taxis, and ride-share service providers. You may have heard about the recent push by some states to recognize ride-share drivers as employees, as opposed to independent contractors. Legal disputes in the oil/gas and mining industries often overlap with transportation law. The movement of extracted minerals or waste from a drill site and the delivery of equipment and workers to a remote location are essential to the work and can lead to a number of potential claims.

By its very nature, transportation often implicates legal issues that vary from state to state and even country to country. Thus, choice of law provisions and international arbitration agreements frequently come into play. There are also obvious connections with government and administrative law, stemming from the number of federal, state, and local agencies and other regulatory bodies that govern various parts of the

industry – from licensing to shipping lanes to cargo load sizes. In addition, there are multiple emerging areas of law involving transportation. Think autonomous vehicles and drone delivery services. The interplay between transportation and other legal fields is, like Kevin Bacon’s connections to other actors, more prominent than you might think and, even at its most remote, only a matter of degree.

In the 2002 cinematic triumph *The Transporter*, Frank Martin (played by Jason Statham¹) says “Transportation is a precise business.” This is true. The trains must arrive on time; the cargo must be delivered undamaged to the correct location; and the planes must follow a highly coordinated and specific schedule (apologies to anyone reading this while waiting for a delayed flight in an airport). As mentioned above, there are also massive and complex administrative agencies and regulatory schemes that govern various parts of the transportation industry, and they require specific actions within specific timelines. The precision necessary to successfully operate in the field, however, does not *limit* the expanse of legal issues one encounters; it often acts as a multiplier.

Whether your practice is focused on one particular field, you service a wide variety of clients in multiple arenas, or you are in-house counsel for a corporation or insurer,

you will undoubtedly encounter transportation-related issues. Speaking from experience, there is no better resource than the IADC’s Transportation Committee to navigate these encounters. Access to this group of highly qualified, experienced, and dedicated professionals (they are, after all, IADC members!) is invaluable. And the committee’s members come from backgrounds and practice areas as varied as transportation law itself. There are outside counsel who represent large railroads and airlines, in-house counsel for major international cargo carriers, insurance professionals, and lawyers like me, whose practices do not focus exclusively on transportation but have learned the value of being associated with such a group. The committee produces a wealth of helpful content, including informative and entertaining podcasts on various legal issues, scholarly newsletter articles (this one being an obvious exception), and numerous roundtables and continuing legal education presentations. In addition, committee involvement provides the perfect opportunity to make contacts and friends that often lead to new clients, referrals, and a broad network of first-rate legal minds from around the globe that are only a phone call or email away.

If you are like me, you may have trouble describing yourself as a “transportation lawyer.” What does that even mean? It

¹ C’mon! You didn’t think I would mention an actor and not play the game, did you? Statham starred in *The Italian Job* with Mark Wahlberg, who was in *The Perfect Storm* with John C. Reilly, who was in *Chicago* with Renee Zellweger, who starred in *Jerry McGuire*

with Tom Cruise, who shouted “I want the truth!” at a witness in *A Few Good Men* when Kevin Bacon’s character should have been on his feet objecting before Col. Jessup could utter the famous retort, “You can’t handle the truth!”



means a lot. And I have learned that, unlike some categories of practice, transportation law is less a pigeonhole and more a panoply. Embrace it! Embrace your inner Kevin Bacon, and get involved in the IADC Transportation Committee. The resources, connections, referrals, and friendships you find will be priceless. Join us for a meeting, or attend a webinar or presentation. It will not take long for you to agree that the committee is far more than just *Planes, Trains, and Automobiles* (a great movie, which also happens to feature...Kevin Bacon).

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Mica Worthy and Susan Hofer

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J. Mitchell Smith

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