



PREFLIGHT

Chairman's Message

Inside this issue:

Chairman's Message	1
From the Editor	2
Instrument Rated Owner	3
Skynotes	5

As we find ourselves celebrating the glorious weather of autumn and winter (with considerable rainfall sprinkled in from tropical storms and hurricanes earlier this year), I hope you will all look forward with me to the spring of this year when the Aviation Law Section will be conducting its next seminar.

After some debate and discussion, we have finally settled on Friday, April 15, 2005, as the date for our next seminar. Hopefully, none of our members are tax practitioners, since this will be the last day to file your Federal and State income tax returns for the year 2004.

Our seminar promises to be interesting and relate to a variety of topics. The speakers and topics are outlined below:

- 1) John McClune, Esq., of *Schaden, Katzman, Lampert, & McClune* will present a paper challenging the constitutionality of the General Aviation Revitalization Act ("GARA"). John has two

cases pending in which he is challenging the constitutionality of GARA.

- 2) Donald R. Andersen, Esq. of *Sites & Harbison, PLLC* will present a paper defending the constitutionality of GARA.

- 3) Sewell K. "Kip" Loggins, Esq. of *Mozley, Finlayson & Loggins* will make a presentation on professionalism.

- 4) Peter Stathopoulos, Esq. of *McGuire Woods, LLP* will make a presentation on the tax aspects of aircraft ownership and operation.

- 5) David Basil, Esq., an attorney employed by the Carrol County Government will give a presentation on local government considerations in aircraft operations.

- 6) Robert E. McCormack, III, Esq. of the Office of the General Counsel for the State Bar of Georgia will give a presentation on legal ethics.

- 7) Our luncheon speaker will be Keith Wood, Esq. who practices in Jones-

(Continued on page 4)



**Georgia Attorney Chip McWilliams,
Vacationing in Afghanistan and Really Wanting to
Get His Hands on His Travel Agent**

***From the Editor:
Luncheon on 1/14/2005***



Just a reminder that the Aviation Section is having their luncheon during the Midyear Meeting on January 14, 2005. Our featured speaker is Chris Madrid, the head of marketing for the Dixie Wing of the Commemorative Air Force.

Sherry Goodrum, who successfully identified such rare aircraft as the Sopwith Camel and the Antonov An-225 in our previous contest, has won again. She was the only contestant to successfully name all four mystery aircraft, which were: (1) Gloster Meteor; (2) Beech Staggerwing; (3) Grumman E-1B Tracer; and (4) P-61 Black Widow.

Another four aircraft are enclosed, so please contact me as soon as possible with your answers. I have also enclosed a bonus photo on the back page, which is a photo of the interior of an aircraft. The prize is lunch for two at the Downwind at PDK (or a similar restaurant, for those of you outside Atlanta), so good luck! Please email or call in your responses to my office address.

On a more serious note, I am sitting here, with this edition of the newsletter being delayed due to a hectic trial schedule and a significant case of writer's block. However, the fact that the Christmas holidays

have recently passed is not lost on me. I cannot help but think of all those men and women overseas whose can only dream of the pleasures I enjoy as I sit here in my house, with my wife and child safely asleep only a few feet away. I am still slightly steamed about the 2004 elections (I am trial lawyer, so this past November was not my favorite month). Yet I know that these elections will not result in revolution. There will be a great deal of additional stress for me and my colleagues at GTLA and ATLA during the upcoming legislative session, but nothing that will result in loss of life or limb.

I am not waking up in the desert, wondering if my next convoy will be my last, wondering if that lost-looking Iraqi man isn't really out to kill me and my buddies. I am not fitfully sleeping at home while my spouse is in a hostile land, wondering if a well-dressed soldier will knock on my door with the news I have been dreading for so many months. I urge all of you to take a moment and pray for those who have died putting their lives in harm's way, and for all soldiers (and their families) who are currently serving their country. May they be protected and safely come back home to us soon. ✕

JOIN THE AVIATION LAW SECTION

To become a member, simply complete this form and return it with a check for \$15.00 to:

**State Bar of Georgia
Membership Department
104 Marietta Street, N.W.
Atlanta, Georgia 30303**

Name

Address

Bar No.

**Come See Us On The Web!
www.gabar.org/avlaw.htm**



Mystery Plane #1

INSTRUMENT RATED AIRCRAFT OWNER: What a Difference Two Years Make

By Mark Stuckey

Back in February 2003, my colleague in Macon, Joel Sherlock, started hassling me about taking flight lessons. Joel had some prior flight training while in the Air Force, and he wanted to pick up where he left off. He said he had found an excellent instructor, (a furloughed Delta pilot) but that it would probably be good to have two students to help defray costs.

I was hesitant. Although my father and grandfather were pilots, I had my doubts. I had been up in some light twins without incident, but I remembered a flight with my grandfather in a Cessna 152 when I was a kid that made me ill and turned me off of general aviation in a big way (and kept me from considering any sort of flying career).

But I had always loved aircraft. I always reserved a window seat on every commercial flight (I still do), and my general aviation flights involved me peppering the pilot with questions about the instruments in the cockpit. I had started working on aviation cases while I was in Tommy Malone's office, and Tommy wisely told me that I should go ahead and get my private pilot certificate if I wanted to keep successfully pursuing aviation cases.

Sensing that this was a door of opportunity for me, I took the plunge (financially and otherwise) and agreed to start taking lessons.

I remember one of my first flights quite vividly. My instructor had just lifted off,



Passed, and in a Retractable To Boot!

handed control of the plane over to me, and requested that I climb through the clouds just above us. I went up into the white and thought

continued climbing, my instructor asked me if anything felt weird. Nothing felt out of the ordinary, so I responded in the negative. My instructor then suggested that I take a good look at my instruments, and I suddenly realized that I was in a 30 degree bank. Humbled, I became more understanding of the

spatial disorientation that has claimed the lives of so many pilots (JFK Jr., among others). I also promised myself that I would go out and get an instrument rating as soon as I could.

I received my private certificate in August 2003, and quickly set to work on my instrument rating. While my private pilot training had been about more about coordinating

my feet and my hands, my instrument training was mentally challenging and time consuming to a new level. Probably the hardest thing was determining which clouds

were worrisome and which clouds were not, as well as determining when I should be looking for ice (and witnessing some ice accumulation when I thought icing was not even possible).

Jim Strawinski had always told me about the impressive accuracy of ILS approaches, and it was quite

(Continued on page 5)



Mystery Plane #2

I was doing a marvelous job for such a neophyte. As we



Mystery Plane #3

Chairman's Message (cont.)

(Continued from page 1)

boro. Keith will discuss his exploits in the operation of a 1944 SNJ-4 aircraft modified to resemble a Nakajima B5N2 "Kate" torpedo bomber. Keith and I are members of Japanese Bomber, LLC, which owns and operates this aircraft that was specially modified for the film *Tora! Tora! Tora!*

The co-chairs of this seminar will be Lisa McCrimmon, Esq. and your Chairman. This should be an informative and interesting seminar. It also affords each of us an opportunity to renew friendships and swap war stories.

Until then,

Happy landings,

Alan

Aviation Law Section
State Bar of Georgia
104 Marietta Street, N.W.
Atlanta, Georgia 30303

Mark Stuckey, Editor
(478) 757-9531
marks@stuckeylaw.net

Alan Armstrong, Chairman
(770) 451-0313
alan@alanarmstronglaw.com

Lisa McCrimmon, Vice-Chairman
(770) 457-2011
mccrimmon1@earthlink.net

Keith Wood, Secretary
(770) 471-4282
keilex@aol.com



Mystery Plane #4

Instrument Aircraft Owner (cont).

(Continued from page 3)

comforting when I had my first “real” instrument approach and broke through at about 400 feet AGL and saw the runway lined up right in front of me—and a lot closer than I expected!

My leisurely pace of instrument training was suddenly expedited when (a) I decided to purchase a 1978 Beech Sierra; and (b) Delta decided to hire back my instructor. I thus had to complete my instrument book work, take the written exam, fly enough hours in the Sierra so the USAIG would allow me to be PIC at the time of my checkride, and then fine tune my instrument approach skills in a retractable aircraft, all in the space of thirty days! It made for a hectic schedule, and my wife had a new name for N5428M (“That Damn Plane”), but I finally passed my instrument checkride in August 2004.

The time since August has been quite an education as well. The need for regular instrument approach practice became apparent within a matter of weeks. Although one is “legal” for six months after their checkride, I have realized that the FAA requirement is a bare minimum—and that instrument approaches should be practiced every couple of weeks to keep one’s skills sharp.

Then, of course, there are the highs and lows of aircraft ownership. Renting aircraft had gotten to be quite a chore. Oftentimes, I had no idea who had rented the aircraft before me—and how well (or poorly) the aircraft had been flown. On one particular flight, I discovered that the Garmin GPS card had been removed by the prior pilot—so I flew back at

night from South Carolina with help from the VORs and NDBs (all before I had my instrument rating). Also, there were some days in which no planes were available—which made driving to small towns in the middle of nowhere all the greater hassle. So a plane purchase (with the appropriate tax write-off) certainly had appeal to me and my practice.

But, owning a plane is not an adventure for the budget minded. The “free” repairs on the rental aircraft now suddenly became my responsibility, and those Beech parts are not cheap! When I lost my alternator on a trip to Cordele, I was suddenly reminded that a 1978 plane does not come with a warranty—and it costs money to get the plane back to the home shop! Fortunately, I am blessed with an excellent mechanic in Macon. The FBO (Lowe Aviation) was involved in the purchase and thus has looked out for me and has helped with all sorts of advice and wisdom from their staff of mechanics and pilots. In the end, there is something quite comforting knowing about every nook and cranny on my plane, and knowing that the peculiar sound I just heard while in the clouds is just a quirk of N5428M and not the onset of sudden engine failure (well, at least not yet!) ※

SKYNOTES

January 14—Aviation Section Luncheon, Omni Hotel at CNN Center www.gabar.org

January 26-30 – LPBA Winter Meeting – Grand Bahama (MYGF) www.lpba.org

March 19-20, 2005— Thunder in the Valley Airshow— Columbus (KCSG) www.thunderinthevalleyairshow.com

April 9—Team Moody Air Fest—Valdosta

April 15 - Aviation Section Seminar - Location TBA

April 23-24—Vidalia Onion Airshow, featuring the Blue Angels

May 21-22—Dobbins ARB Airshow, featuring the Blue Angels and the Canadian Snowbirds



Bonus Mystery Plane Photo