



Practicing Law at 35,000 Feet

BY JEAN IVES

College of Law professors

Brian F. Havel and Michael S. Jacobs

pioneer a new breed of legal think-tank with the

International Aviation Law Institute



BRIAN F. HAVEL



MICHAEL S. JACOBS

For College of Law Professor Brian F. Havel, aviation has an almost “mythical” quality. Despite the post-9/11 world in which the nation’s largest and most visible service industry finds itself, Havel believes that notions of airports as multicultural hubs and air travel as a gateway to globetrotting adventure haven’t lost their allure.

“Airports have no nationality, they’re neither one place nor another. They’re almost transcendent in a sense,” he says, before adding, “Aviation is something that captures the imagination.”

It is fitting then that Havel, along with fellow Professor Michael S. Jacobs, would create and direct the International Aviation Law Institute (IALI) at the College of Law, the first academic institute of its kind in the United States. Under Havel and Jacobs’ vision, IALI will not only function as an educational entity by training students in the area of international aviation law but also serve as a research and advocacy arm for a global constituency of legal scholars, aviation experts and business leaders.

In fact, Havel and Jacobs’ vision for the Institute is not unlike the goals of the earliest aviators, who saw the emerging air travel industry as a means to blur both cultural and natural borders and usher in an era of global cooperation.

“We’re training the next generation of aviation lawyers,” Havel says. “We’ll send our graduates worldwide in pursuit of something which is very dear to the hearts of international lawyers—worldwide harmonization of the law.”

The genesis of IALI, perhaps serendipitously, occurred overseas in 2003 while Jacobs was addressing the International Air Transport Association’s annual conference in Singapore.

Several of the attendees had previously heard Havel speak at other conferences, Jacobs says. “When it occurred to them that we were both from DePaul, they suggested that we do something together in the area of aviation law,” he says. “As it turned out, both Brian and I thought it was particularly propitious for us to start an academic center for aviation law.”

Havel and Jacobs, who owe their aviation expertise to years of practicing international trade law, spent the next two years laying the groundwork for the Institute. The fact that it would be housed at DePaul University held significant meaning. Although the state of Ohio proclaims itself to be “the birthplace of aviation,” Chicago may very well be the epicenter of the Wright brothers’ dream. It is not only home to two of the nation’s busiest airports, O’Hare and Midway, but it’s also a global hub for United and American Airlines and hosts the corporate offices of the Boeing Company.

Moreover, DePaul University College of Law has its own unique ties to aviation. In the 1950s, just a few years after Chuck Yeager broke the sound barrier, DePaul was the first law school in the United States to offer a course in aviation law. The College of Law also counts former U.S. Secretary of Transportation Samuel K. Skinner (’66) as a proud alumnus. Skinner was a driving force in the creation of IALI and is a member of its Foundation Advisory Board.

Havel says Skinner’s contributions to aviation are innumerable. “He spearheaded the ‘open skies’ philosophy, the way through which the United States sought to liberalize global airline competition,” he says.

Even College of Law Professor M. Cherif Bassiouni, founder of the International Human Rights Law Institute, also has an interesting connection to commercial aviation. In 1979, Bassiouni was instrumental in the efforts to free 59 American hostages held in Iran. For his efforts, President Jimmy Carter’s Secretary of State, Cyrus Vance, gratefully recognized Bassiouni’s role by presenting him with the original 1944 Convention on International Civil Aviation, the historic treaty which governs international air transport (which is known around the world as the “Chicago Convention”). At the IALI launch reception in September 2005, Bassiouni presented the treaty to the Institute.

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"This is a very valuable asset," Havel says of the gift. "In effect, he passed the torch from one institute to another. It was a nice DePaul moment."

For students, IALI will offer courses in public and private international aviation law, international aviation competition law, as well as a seminar in aviation law and policy to start. The Institute is also gearing up to offer advanced courses and the nation's first LL.M. in International Aviation Law.

"Our academic target audience is not just DePaul students but law graduates worldwide," Havel says. "We've already been approached by many overseas law firms who are willing to sponsor students for these training programs."

IALI boasts a diverse faculty, each drawing from various areas of scholarship and expertise. In addition to Havel and Jacobs, it includes Joseph Schwieterman, Director of DePaul's Chaddick Institute, an urban policy think-tank that focuses on U.S. airports policy; Barry Kellman, an

international law expert on terrorism and security issues; Stephan Landsman, holder of the *Robert A. Clifford Chair in Tort Law and Social Policy*; and aviation leaders in the Chicago area, including Michael Whitaker, United Airlines Vice President for International & Regulatory Affairs.

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IALI co-directors Michael S. Jacobs and Brian F. Havel receive the original 1944 Convention on International Civil Aviation from Professor M. Cherif Bassiouni at the Institute's launch party in September 2005.

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Outside the classroom, IALI will pursue public outreach, participating in conferences, guest lectures, research, publications and other collaborative activities. Havel says IALI is currently working in partnership with the prestigious Chicago Council on Foreign Relations to co-host an International Aviation Leadership Summit scheduled for October 2006. There

are also plans to hold another conference in Havel's native Ireland in 2007 as well as to pursue projects such as "Conversations with Aviation Leaders," which will chronicle the legacy of commercial aviation through interviews with leading industry figures such as Southwest Airlines founder Herb Kelleher.

IALI has just published the first of its quarterly industry commentaries, and the U.S. Congress has already cited its scholarly efforts. In this work, Havel is aided by alumnus Stephen B. Rudolph ('97), editor of the *CCH Aviation Law Reporter* and *CCH Issues in Aviation Law & Policy*.

It is the hope of both Havel and Jacobs that the College of Law's well-established international ties and the expertise and commitment of the individuals involved will transform IALI into a powerful resource for students, scholars and business leaders.

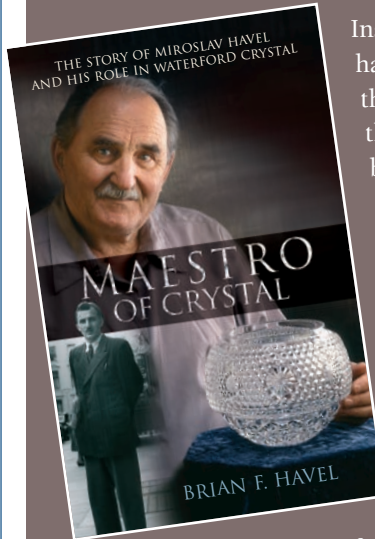
In fact, commercial sponsors have already demonstrated confidence in the Institute's future. United Airlines and FedEx, for example, have sponsored a Resident Research Fellowship which is currently held by Andrew C. Eastmond ('00), formerly a network strategist with United Airlines. CCH, part of the Wolters-Kluwer publishing company, has established a scholarship for DePaul aviation law students and also annually publishes the best paper in Havel's research seminar in international aviation law and policy.

"The creation of the International Aviation Law Institute is an exciting addition to DePaul's nationally respected international law programs," says Dean Glen Weissenberger. "As the breadth and scope of aviation law expands, I'm confident that this Institute will not only keep pace but illuminate the types of issues that will be of paramount importance in the coming years." ■■

For more information please contact Professor Brian F. Havel at bhavel@depaul.edu or (312) 362-5222.

MAESTRO OF CRYSTAL

Woven through the public outreach initiatives of the International Aviation Law Institute is an emphasis on chronicling historic persons and events.



Institute Director Brian Havel has experienced first-hand the satisfaction of honoring the past: He's just authored a bestselling book in Ireland about his father, Miroslav Havel, the celebrated glassmaker who revived the Waterford Crystal company.

"I had read a newspaper article by [renowned Irish author and journalist] Mary Kenny about the

importance of recording the memories of the oldest generation still among us, and I knew my father had an interesting story to tell," Havel told the publication *Books Ireland*.

The book, *MAESTRO OF CRYSTAL: THE STORY OF MIROSLAV HAVEL*, tells the story of his father's 1945 journey from Prague, where he studied as a glass sculptor and engraver, to Ireland. There, he and a business partner brought Waterford Crystal back to life after the company had been defunct for more than 100 years. By the time the elder Havel retired in 1987, Waterford was one of Ireland's most successful companies with more than 3,000 employees, and Havel was personally commissioned to design the chandeliers that today hang in the Kennedy Center in Washington, D.C., and in Westminster Abbey.

Havel says the story encompasses the obstacles his father faced as an émigré, the political conditions that forced his departure from Czechoslovakia, the sweetheart he left behind and the new one he later found in Ireland, and, above all, the triumph of the artistic and entrepreneurial spirit.

The book is currently available in the United States at amazon.com. An Irish television interview with Havel is available to download at www.currach.ie.

-Jean Ives