

## IALPG/PMJ TEAM PROFILE

Ethiopian Airlines ET302  
Boeing 737- MAX 8  
ET-AVJ  
10 March 2019, Addis  
Ababa



**Joseph Wheeler is the Principal of aviation and aerospace law firm, *International Aerospace Law and Policy Group (IALPG)* and provides international aviation claims advice and representation.**

### *Education and professional summary*

Joseph is one of the few post graduate alumni of the McGill University Institute of Air and Space Law in Canada who acts predominantly for claimants and pilots.

He is an elected Member of the Royal Aeronautical Society, recognising his expertise in international air law, and is Vice Chair of the Legal Committee of the International Federation of Airline Pilots' Associations (IFALPA) in Montreal. Joseph is the national Aviation Spokesperson of the Australian Lawyers Alliance, the leading social justice legal professional association in Australia.

Joseph has been an aviation regulator for the Australian Government and was responsible for airport economic regulation policy oversight and planning and development as an Assistant Director in the Airports Branch, Canberra from 2011 – 2013. In this role he took liaison and enforcement responsibility for a number of legal policy matters including planning and development for all federally leased airports in the states of Victoria and Tasmania.

His passion for aviation law developed since university, when he learned to fly light aircraft. At that time he was selected to intern at two major US plaintiff and airline/defendant firms to develop skills in aviation litigation from both the claimant and airline perspectives. While interning Joseph assisted in a number of high profile matters including the 9/11 litigation in

New York (2001), the Gol Airlines mid-air crash in Brazil (2006), American Airlines 587 (2001), and a number of US general aviation product liability accidents (various years). Joseph has since specialised in international air crash litigation.

#### *Aviation case experience*

Joseph has acted for victims of the worst air tragedies affecting Australians and citizens of other nations for nearly 10 years, which has contributed to his practical judgment.

Notable cases include:

- Flydubai flight FZ981 (2016):
  - IALPG with Australian and Russian partners represented the highest number of passengers over and above other aviation legal firms in the world (38 of the 55 passengers deceased)
  - This was the most recent modern 737 Boeing accident before the Lion Air JT610 accident and involved amicable settlements sanctioned by Russian Courts for all passengers' families.
- Malaysia Airlines flight MH370 (2014):
  - the most puzzling in aviation accident history in which the aircraft has never been found
- Malaysia Airlines flight MH17 (2014):
  - the shooting down of this passenger jet over Ukraine has resulted in claimants with rights under a variety of international and domestic laws
  - represented a group of Australian and Dutch/Australian passengers who lost their spouses on the flight, with cases resolved in Dutch and Australian courts
- (2013 – 2015) variety of Montreal Convention claims against airlines such as *Thai*, *Virgin Australia*, *Vietnam Airlines*, *Air China*, and *Qantas* for minor and serious injuries caused to passengers onboard on domestic and international flights
- Lao Airlines flight 301 (2013):
  - this domestic Laotian air crash by an ATR aircraft involved a number of passengers of different nationalities and I advised on settlements for one family who lost two family members, and initially advised the family of the Captain
  - the insurer's lawyers offered compensation well above that which would have been obtained in a local Laotian court

- Air Bagan flight 11 (2012):
  - a domestic Myanmar crash (previously known as Burma) involved numerous nationality passengers, and I acted for two Australian passengers who survived the crash
  - the claims were negotiated without the need for litigation in Myanmar as doing so would have been detrimental to the families
  
- Qantas flight QF72 (2008):
  - this Airbus flight from Singapore to Perth suffered severe turbulence caused by an aircraft avionic error attributable to the aircraft ADIRU, which processes information from the angle of attack sensors
  - passengers suffered a variety of major injuries and at a previous firm Joseph acted for a passenger with major neck and spinal injuries under the Warsaw/Hague Conventions
  
- Lockhart River Metroliner crash (2005):
  - this case resulted in the maximum damages available by settlement for domestic air crash cases
  
- Many commercial charter air crash cases including skydiving, helicopter, and general aviation operators, under a legal scheme mirroring that of the Warsaw/Montreal regimes:
  - Examples include:
    - (2018) Cessna charter air accident in Vanuatu which resulted in serious injuries to 4 passengers from Jersey Islands (UK) and Australia.
    - (2015) Tiger Moth crash on Gold Coast Australia killing a joy flight passenger
    - (2014) Cessna skydiving aircraft crash in Queensland which killed all occupants and is considered to have been caused by a faulty seat component manufactured in USA
    - (2013) Bell helicopter crash in northern Queensland which left the passenger with severe spinal injuries – successfully settled out of court
    - (2013) commercial charter plane crash causing severe spine and neurological and psychological injuries in Northern Territory due to engine failure of aircraft

- (2011) crash of an amphibious light aircraft in New South Wales which resulted in a significant claim against the pilot and Brazilian manufacturer of the aircraft (millions of dollars)

### *Media engagement*

Joseph's comments on aviation accident liability law are recognised to be of expert status in the region, and are widely sought by global media.

He has been regularly interviewed and quoted by television and print media including the *Wall Street Journal*, *Reuters*, *BBC*, *the Times of London*, *Bloomberg TV*, *ABC*, *AAP*, *Channel News Asia*, *Quartz Africa* and others.

He also writes a fortnightly column on aviation regulatory and policy developments in *The Australian*, the largest national newspaper, and provides media policy and interviewing training for organisations.

### *Conference presentations*

Joseph has broad engagement with international aviation claims and is often invited to speak at legal conferences in Asia Pacific, Europe and North America to discuss the most recent developments. He has spoken at the ICAO Legal Seminar in Seoul, Korea, American Bar Association Forum on Air and Space Law in Montreal, Canada, Aviation Law Association of Australia and New Zealand annual conferences in Australia and New Zealand, McGill University aviation law and space law conferences/workshops in India and Australia, Trans-Pacific Aviation Law and Policy conference in Vancouver, Canada, and Pan European Organisation of Personal Injury Lawyers' Aviation and Liability conference in Edinburgh, Scotland, in addition to attending world aviation forums on behalf of international organisations such as IFALPA.

His experience and network of contacts developed through conference speaking and teaching is useful in bringing all claims to resolution, efficiently and for the best possible client outcome.

### *Published papers*

- Sexual assaults in the sky – how aviation law fails to provide justice, Issue 151 (March/April 2019), *Precedent*, Australian Lawyers Alliance, co-authored with Karina Galliford (IALPG Lawyer).
- A Study on the Australian Law Regarding RPAS (Remotely Piloted Aircraft System): Need for an International Approach, *Korean Journal of Air and Space Law* December 30, 2015, (co-authored with June Lee).
- Enforcement of Australian Aviation Law, *Precedent*, Australian Lawyers Alliance February, 2014. An examination of the Civil Aviation Safety Authority's regulatory

oversight and enforcement functions in the context of Australia's international obligations.

- *Pacific Skies Aviation Magazine* (published by the Secretariat of the Pacific Community and the Association of South Pacific Airlines) December 4, 2013, (co-authored with Florence Williams-Reur, Vanuatu Government). A brief overview of air passenger liability provisions and limits in the legislation of Papua New Guinea, Fiji, Vanuatu and Australia.
- ICAO Guidance on Volcanic Ash - the 2012 Position *Pacific Skies Aviation Magazine* (published by the Secretariat of the Pacific Community and the Association of South Pacific Airlines), December 2012 (co-authored with Andrew Tupper). To ensure the continued uniform safety of international air operations near or around volcanic ash airlines, together with the State civil aviation authorities which oversee them, should now come to terms with the 2012 ICAO Flight Safety and Volcanic Ash Manual (Doc 9974) and the requirements of volcanic ash safety risk assessments.
- Air Carrier Liability for Delay: A Plea to Return to International Uniformity, *Journal of Air Law and Commerce* July 27, 2012 (co-authored with June Lee), Winter 2012, Vol 77 (No 1). The paper presents legal and pragmatic reasons for either substantial review, or repeal of, European Community Regulation 261 of 2004 in the context of the existing Montreal Convention (1999) regime. Includes discussion of passenger compensation for air carrier delays, in the context of recent cases, commentary, regulatory reviews, events (eg, volcanic ash), and trends in the reasoning of the European Court of Justice (including the 21 December, 2011 “ETS” decision).
- ICAO Guidance on Volcanic Ash: From Risk Aversion to Risk Management, Vol XXXVI *Annals of Air and Space Law* 2011. A review of the components of the ICAO International Airways Volcano Watch system and actions by ICAO generally and regionally in Europe following the Eyjafjallajökull volcanic explosivity of April, 2010.

#### *Certifications*

- Solicitor of the Supreme Court of Queensland
- Solicitor of the High Court of Australia
- Barrister and Solicitor of the High Court of New Zealand

#### *Professional and not for profit affiliations*

Aviation Spokesperson for the Australian Lawyers Alliance, the leading social justice legal professional association in Australia. Vice Chair to the Legal Committee of the International Federation of Airline Pilots' Associations (IFALPA) in Montreal, and Member

of the Professional & Government Affairs Committee of IFALPA representing AusALPA (Australia's member association to IFALPA, made up of AFAP and the Australian and International Pilots Association, AIPA).

Appointed to the Management Committees of organisations which advocate for aviation safety through specialist technical, professional, or pilot health and wellbeing programs through member representation or other initiatives, including Australian Certified UAV Operators Inc (ACUO) and HIMS Australia Advisory Group Inc (both of which are incorporated not for profit associations).

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**Patrick Jones is the Founder and Managing partner of PMJ PLLC, a law firm based in Chicago, Illinois, USA, and aviation legal expert.**

*Education and professional summary*

Patrick is licensed in Illinois and Arizona, USA, and has 20 years of legal practice experience at some of the US's most respected law firms. His practice has focused primarily on commercial litigation and appeals, representing both plaintiffs and defendants. He has tried five cases in Federal District Court and argued before the Seventh Circuit on four occasions, most recently representing a "whistle blower" under the False Claims Act. He has advised several successful start-ups in a variety of industries as "outside general counsel." He was named a "Rising Star" for 2010 by Illinois Super Lawyers magazine and was recognized by the American Registry in its 2010 selection of The State's Outstanding Young Lawyers

In addition Patrick has taught aviation law at DePaul University College of Law, in Chicago Illinois as an Adjunct Professor, from July 2012. He is the Director of DePaul's International Moot Court Program teaching law students legal writing and oral presentation skills for competition in the Leiden International Air Law Moot Court Competition and at the Jessup International Law Moot Court Competition. The Leiden team has finished in the Top 3 as either Applicant or Respondent (or both) each of the past four years in competitions in Bucharest, Beijing, Jakarta and Malta.

In 2016 Patrick also formed a company (Universal Corporate Services) in Chicago, Illinois with partners primarily to assist foreign entities and individuals establish U.S. business operations. In 2017, his company assisted more than 60 start-ups form corporations and LLCs, transfer intellectual property, acquire existing businesses, draft terms and condition and privacy policies, and draft consulting agreements.

Prior to establishing PMJ PLLC, Patrick was a partner at some of the nation's top law firms, including Stahl Cowen Crowley & Addis (Partner, 2014-15); Greensfelder Hemker & Gale (Partner, 2012-14), SmithAmundsen (Partner, 2010-12); and Locke Lord Bissell & Liddell (Partner, 2005-09).

Prior to that, he was an Associate at Greenberg Traurig (2000-2005), after starting his legal career at Mayer Brown Rowe & Maw in 1999.

#### *Aviation case experience*

- 2018-present. Represented an international airline passenger claims representative in claims against more than a dozen airlines on behalf of U.S. and international passengers.
- 2018. Represented Plaintiffs in class action filed against American Airlines in the Illinois State Court asserting a scheme to deprive plaintiffs right to compensation under EU Rule 216.
- Plaintiff- class actions involving the airline industry
- Experienced representing U.S. and non-U.S. passengers with damages claims against airlines, primarily on delay and consumer affairs matters.
- 2018-present. Represent Plaintiffs located in more than 20 countries in class action filed against U.S. celebrities about the fraudulent issuance of cryptocurrency.

#### *Education*

DePaul University College of Law, J.D., with honors in top 5% of class, and Order of the Coif, 1999;

University of Oklahoma, B.A. in Psychology, 1993

#### *Speaking engagements and papers*

“Airport Financing in the United States, Europe and China”, for faculty and students at the East China University School of Political Science and Law in Shanghai, China on April 17, 2015

“Airport Financing in China, a Comparative Study”, in draft form, co-author Prof. Yu Dan, East China University of Political Science and Law, Shanghai, China

“Third-Party Litigation Funding In Bankruptcy Cases”, *The Bankruptcy Strategist* (January 2013)

“Trading Bankruptcy Claims... Watch Out for the Finer Points!” *ABF Journal* (April 2012)

HONORS:

### *Certifications*

Licensed to practice in Illinois and Arizona

Member of the General Bar and Trial Bar of the Northern District of Illinois, the Seventh and Ninth Circuit courts of appeals

Member Chicago Bar Association

### *Professional and civic affiliations*

Member of the International Bar Association, USA Triathlon, Captain's Circle Member of the US Soccer Federation, and a Panelist on the MLS United Soccer Council.

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**Kenneth Rukunga is a Consultant at IALPG and assists in international aviation client liaison and claims processes. He is a practising Solicitor and Barrister in Western Australia.**

### *Education and professional summary*

Kenneth is a Juris Doctor graduate of Murdoch University in the State of Western Australia. He holds a Graduate Diploma in Legal Practice from the Australia National University. As a Kenyan citizen, he has been able to assist various families in Kenya to navigate various legal systems.

Kenneth works predominately in the personal injury field and is experienced in investigating and commencing actions against different parties in Australia.

He has been able to run cases that have appeared difficult and complicated at the beginning and has brought them to excellent resolutions for the families involved.

Kenneth is experienced in speaking in very simple and understandable English which makes clients comfortable when dealing with him. He is down to earth and goes far and beyond for his clients.

He works closely as a Consultant in the IALPG team in the ET302 and related cases and investigations team.

### *Education*

Australia National University, Graduate Diploma in Legal Practice

Murdoch University, Juris Doctor



Murdoch University, Bachelor of Legal Studies.

*Certification*

Barrister and Solicitor of the Supreme Court of Western Australia

Member of the Law Society of Western Australia

Member of the Kenyan Community of Western Australia

*Engagements and papers*

Previous article – successful outcome of a complex case

<https://www.watoday.com.au/national/western-australia/in-a-world-of-hurt-former-wa-jockey-in-legal-battle-over-catastrophic-race-fall-20180202-h0supa.html>

*Professional and civic affiliations*

Member of the Baldivis Soccer Club and Golf enthusiast.

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***Team contact information***

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