Aviation Accidents - Overview

According to the Federal Aviation Administration (FAA), air travel is expected to double over the next 20 years. As air traffic increases, so does the risk that passengers will be involved in an aviation accident. Generally, air traffic is considered to be a safe means of transportation, but when accidents do occur they often result in fatalities. Smaller, less serious accidents involving private aircraft are more frequent than people realize, because many of these incidents go unreported in the media.

Causes of Plane Crashes

Aviation accident law covers both major air carrier and general aviation accidents. General aviation includes all non-commercial aircraft including small planes, large business jets, charter flights, pleasure crafts, helicopters, and hang gliders. The most common causes of both major carrier and general aviation accidents include:

- Pilot error
- Faulty equipment
- Federal Aviation Administration regulations violations
- Structural or design problems
- Negligence of Flight Service Station employees
- Negligence of Federal Air Traffic Controllers
- Negligence in a third party’s selection of a carrier

The FAA and NTSB

Two federal agencies regulate air travel and investigate every aviation accident (both commercial and private) in the United States: The National Transportation Safety Board (NTSB) and the Federal Aviation Administration (FAA). The FAA sets safety standards for pilot conduct, flight operations, and aircraft manufacturers, and enforces FAA regulations through civil penalties or criminal penalties. The NTSB is responsible for investigating every civil aircraft accident and recommends safety standards to prevent future accidents.

Personal Injury Claims for Aviation Accidents

Should you and your attorney decide to pursue a legal claim after an aviation accident, the potentially liable (legally responsible) parties can vary depending on the cause of the accident. The owner and operator of an aircraft certainly may be liable; manufacturers or maintenance suppliers may be liable in certain circumstances; even the federal government may bear some responsibility for an aircraft accident.

Aviation litigation is complex, and involves many potential theories of liability under state, federal, and international law. There are several potential defendants to choose from, and a number of different courts in which a trial may take place. In order to hold someone legally responsible for an aviation accident, the injured person (the "plaintiff") must prove that the person responsible (the "defendant") failed to meet an industry standard related to operation of the aircraft, engineering, or certain regulatory issues.

While the circumstances of each aviation accident are always different, generally claims for personal injury or death resulting from an aviation accident are controlled by the legal theories of negligence, product liability, or some combination of the two. Additionally, because air travel is regulated by two federal agencies, federal rules and regulations may impact a personal injury claim or the standards of care owed to the victim of an aviation accident.

Negligence is the legal term for the failure to do (or not do) something that a reasonable person would have done under the circumstances, in order to protect others from foreseeable risks of harm. Pilots, airline maintenance providers, and major airlines are among those subject to negligence claims when an aviation accident occurs.
Another legal doctrine known as "product liability" refers to the legal responsibility placed on manufacturers and sellers of defective products. If it can be proved that a defective product somehow contributed to an aviation accident, then product liability may allow recovery against the manufacturer or seller of the defective product. (Learn more about product liability in aviation accident cases by clicking on the link following this article)

**Liability - Owner or Operator**

Aircraft owners and operators are held to high standards when it comes to the legal "duty of care" owed to others. If carelessness or recklessness can be proven, then the owner will be held liable for the damages suffered by injured parties -- including passengers, people on the ground, and even the pilot. Even if the owner was not operating the aircraft when the accident occurred, the owner may still be held liable under a legal theory called vicarious liability. This theory is similar to the way in which employers may be legally responsible for the actions of their employees in certain situations.

**Common Carriers**

Commercial airlines fall under the legal classification of a "common carrier," because they hold themselves out to the public as willing to carry all passengers who buy a ticket. Common air carriers are held to different (usually more stringent) standards than are private carriers. The FAA is the principle federal agency responsible for regulating air carriers -- imposing uniform standards and operating procedures, and monitoring a carrier's internal standards. An understanding of complex FAA rules and regulations is necessary in order to be successful in bringing an aviation accident claim against a common carrier such as a commercial airline.

**Liability - Manufacturer**

The manufacturer of an aircraft can be held liable if the victim of an accident can prove that a defect in the product (the aircraft) or a component part caused his or her injuries, under a legal theory known as "strict liability". It is important to remember that liability laws differ from state to state. (More on product liability in aviation accident cases).

**Liability of Owner/Operator and Manufacturer - Comparative Fault**

In many cases, both the pilot and the manufacturer may be held liable for an aviation accident. This raises a legal issue called "comparative fault," meaning that the judge or jury during trial must determine the percentage of liability attributable to each of the defendants. For example, a pilot may be 35 percent at fault for losing control of an aircraft, but a manufacturer may be 65 percent at fault for defective landing gear. Only a few states bar recovery from a manufacturer if the pilot's negligence contributed to a crash; most states use comparative fault and distribute the blame between the two parties.

**Liability of the Federal Government**

A primary duty of the federal government is to control all air traffic. The FAA is ultimately responsible for this enormous function. If an aviation accident involves a collision or other avoidable navigation error, a key question is whether or not the FAA and air traffic controllers did their job correctly.

**Damages**

The typical categories of recoverable damages in a personal injury claim arising from an aviation accident include:

- Past and future medical expenses;
- Lost wages and, lost earning capacity
- Past and future pain and suffering;
- Emotional distress;
- Loss of consortium/association (usually available to married couples only); and
- Punitive damages.

Each jurisdiction will differ as to what damages may be recovered, and what proof is required for each category. Many states also impose "caps" on certain categories of damages, thereby limiting a potential recovery. An experienced aviation attorney can help you choose the best jurisdiction and present your damages properly, to ensure that you are fairly compensated for your injuries.

**Getting Help**

Any legal claim arising from an aviation accident requires a detailed understanding of aircraft function and safety, FAA regulations, and specific rules related to aviation litigation. If you have suffered injury or the death of a loved one due to an aviation accident, contact an attorney with experience in aviation litigation cases. Aviation litigation is complex and involves an analysis of state, federal, and potentially international law. There are numerous issues that will affect the outcome of aircraft litigation: the parties that may be named as defendants, questions of venue, aviation engineering, industry standards and federal government rules and regulations. If you have been injured or a family member has been killed in an aircraft accident, you should contact an attorney who is experienced in this complex legal area in order to protect your rights.
See also:

- In-Flight Injuries on Airplanes
- Product Liability and Aviation Accidents
- Aviation Accidents - FAQ
- Aviation Accidents - Resources
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