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BOOK REVIEW

***Practical Aviation & Aerospace Law*, J. Scott Hamilton & Sarah Nilsson. 8th edn. Newcastle, Washington, United States: Aviation Supplies & Academics, Inc. 2024. 501 pp. \$49.95. Hardback ISBN Number: 978-1-64425-383-0. eBook PD ISBN Number: 978-1-64425-385-4. eBook EB ISBN Number: 978-1-64425-384-7. Link, <https://asa2fly.com/practical-aviation-aerospace-law-workbook-eighth-edition/>.**

The importance and necessity of teaching air law was recognized in 2022 during the forty-first International Civil Aviation Organization's (ICAO's) General Assembly via a Resolution on '[t]he teaching of air law'.¹ The Resolution emphasizes the 'undoubted importance [...] of the specialized teaching of air law and the desirability of fostering knowledge of this important subject'.² In doing so, it directs the ICAO Council and Secretary General to promote the teaching and dissemination of knowledge of air law, and urges states to adopt appropriate measures in furtherance of this. Thus, the teaching of air law and the education of individuals in this area are seen as important for the safe and orderly international air transport services.³ A part of this is ensuring teachers and students have the appropriate materials, such as textbooks.

It is necessary to mention that the field of academic textbooks on air law is now highly competitive, with numerous titles tailored to different educational levels and professional needs. Some of these works are designed specifically for use in academic courses at universities and professional training programmes. For example, *Fundamentals of International Aviation Law and Policy*⁴ serves as an accessible and pedagogical resource for undergraduate students and those without a formal legal background. Its clear structure and straightforward approach make it ideal for introductory learning. On the other hand, *Introduction to Air Law*⁵ provides a more comprehensive and detailed examination of air law,

¹ ICAO, forty-first General Assembly, Resolution A41-4, Appendix D.

² https://www.icao.int/Meetings/a41/Documents/Resolutions/10184_en.pdf, at V-3. (accessed on 14 Feb. 2025)

³ CC44, Preamble para. 3.

⁴ Benjamyn I. Scott & Andrea Trimarchi, *Fundamentals of International Aviation Law and Policy* (Second ed., Routledge 2024).

⁵ Pablo Mendes de Leon, *Introduction to Air Law* (Eleventh ed., Wolters Kluwer 2022).

making it suitable for advanced students and industry practitioners seeking a deeper understanding of legal frameworks and developments in the field. Others have an arguably narrower focus. The book *The Principles and Practice of International Aviation Law*⁶ balances theoretical analysis with practical insights, offering readers a well-rounded exploration of complex legal concepts and their real-world applications. Whereas, *International Aviation Law: A Practical Guide*⁷ has a strong emphasis on common law aspects, providing practical insights for those focused on – for example – the United Kingdom and United States legal landscape. This diversity of texts underscores the competitive nature of the field, with each title catering to specific audiences and educational objectives. Therefore, J. Scott Hamilton's and Sarah Nilsson's book titled *Practical Aviation & Aerospace Law* has to set itself apart.

The eighth edition of *Practical Aviation & Aerospace Law* was published in 2024 by Aviation Supplies & Academics. This textbook is accompanied by a workbook that allows students to answer questions on the content of the textbook. No other air law textbook has such a resource. The book is co-authored. Hamilton is an adjunct professor and course developer at Embry-Riddle Aeronautical University and a retired attorney specializing in aviation law. Nilsson is an associate professor, also at Embry-Riddle, and a practicing attorney in Arizona, who specializes in air law and business law. Therefore, both are well-placed to understand the requirements of teaching air law. This is demonstrated by the numerous images and tables that present information via different mediums to support student learning. Further, they have numerous years of experience in the aviation sector, where both are pilots. Thus, allowing them to fuse the law and practice, giving credence to the inclusion of 'practical' in the book title.

The book is a detailed tool to facilitate the teaching of air law and support the learning process of students. The first edition was published in 1991 and titled *Practical Aviation Law*. The elaboration of the name, with the addition of *Aerospace* in the sixth edition, is a product of the expansion of the book in terms of topics. The sixth edition includes a chapter on space law, the seventh edition has a chapter on unmanned aircraft, and the latest edition hosts discussions on advanced air mobility. Further expansion is taking place in terms of legal scope. Earlier editions were limited to the United States law, with some discussion on applicable international rules. However, as the authors note '[i]n keeping with the truly global nature of the aviation and aerospace industries

⁶ Brian F. Havel & Gabriel S. Sanchez, *The Principles and Practice of International Aviation Law* (Cambridge University Press 2014).

⁷ Ronald Bartsch, *International Aviation Law: A Practical Guide* (3d ed., Routledge 2025).

and in recognition of the worldwide employment opportunities that offer, the new editions began what is likely to be a long-term effort to continually expand the global perspective'.⁸ While steps have been taken to discuss international law, the book is still concentrated on the United States' domestic law and its interaction with international law. It omits more general discussions on international law and other important aviation jurisdictions.

The book comprises six Parts, with individual, standalone chapters contained therein. The first Part is called 'Administrative Law'. Chapter 1 is about 'Regulatory Agencies and International Organizations' and explores the roles of key regulatory agencies such as the Federal Aviation Administration, Transportation Security Administration and Department of Transportation. Chapter 2 looks at 'FAA Enforcement' and contains details on enforcement, compliance and penalties for regulatory violations. The final chapter in this Part, Chapter 3 is called 'Aviation Medical Cases' and covers legal issues related to health standards, changes to health and medical certification.

Part II focuses on when things go wrong and is called 'Aircraft Accidents'. It starts by introducing the legal framework governing civil liability for aircraft accidents, including negligence and product liability (Chapter 4 'Basic Principles of Civil Liability'). It then goes into specific liability issues: 'Organizing the Business to Limit Liability' (Chapter 5), 'Aviation Insurance' (Chapter 6), 'Exculpatory Contracts' (Chapter 7), 'Airline Liability' (Chapter 8), 'Government Liability' (Chapter 9), and 'Accident Notification, Reporting and Investigation' (Chapter 10). While many air law textbooks cover topics like insurance and airline liability, the addition of government liability is a notable and welcome inclusion.

Part III covers financial matters in the area of Aircraft Transactions. Chapter 11 looks at the 'Buying and Selling Aircraft' – the changing of hands – and Chapter 12 looks at 'Aircraft Leasing, Co-ownership, and Fractional Ownership'. The two chapters provide a detailed analysis of the complex legal considerations and procedures for aircraft transactions. This chapter is suitably placed after Part II as it groups core private air law topics together.

Part IV reorientates the book back to public air law matters and does so by hosting a varied and less interrelated set of topics. This Part has less of a centralized focus as it covers topics that did not fit so easily in other Parts: 'Airports, Airspace, and Aviation Security'. First, Chapter 13 is on 'Airports and Terminal Airspace' and presents legal issues related to airport operations and airspace management. Second, the book moves to the third dimension with Chapter 14 on 'FAA

⁸ J. Scott Hamilton and Sarah Nilsson, *Practical Aviation & Aerospace Law* vii–viii (Eight ed., Aviation Supplies & Academics 2024).

Regulation of Airspace’. Finally, Chapter 15 is on ‘Crimes, Civil Offenses, and Aviation Security’, which is a standard chapter in any air law textbook and explores aviation-related criminal activities of individuals on the ground and in the air, and security measures, such as security checks at airports.

The penultimate Part demonstrates the forward-looking approach of the authors as it is about ‘Labour and Employment’. Labour issues are rarely featured in any detail in air law textbooks, but have recently become the subject of a number of focused publications.⁹ Therefore, it helps students enter into this topic, which is growing in relevance, before tackling the more detailed literature. The first chapter (Chapter 16) is called ‘Labour and Employment Law, Generally’ and it reviews general employment laws to provide background and context. The next chapter, Chapter 17 ‘Air Carrier Labor Law’, takes the discussion further by specific labour regulations affecting air carriers.

Finally, Part VI contains 2 chapters on ‘Evolving Law’. A section on emerging issues in the aviation sector is now a necessity for air law textbooks. Chapter 18 discusses ‘Commercial Spaceflight Operations’ by addressing the legal developments and regulations for commercial space travel, with a focus on the five international conventions and national space law. The Federal Aviation Administration is central to the United States’ commercial space activities, so there is a natural link to air law. The closing chapter, Chapter 19, is the main expansion of this eighth edition. The focus is ‘Uncrewed Aircraft Systems and Advanced Air Mobility’. The chapter explores legal and regulatory frameworks for unmanned aircraft and flying taxi technology, and the ecosystem that they will operate in.

In conclusion, the book covers a variety of legal topics and issues relevant to the aviation sector. The authors take an operational focus, whereby they look at how the law works in practice. The authors jokingly offer an alternative name for the publication: *How to Avoid Aviation Lawyers and When to Call One*.¹⁰ Thus, it differentiates itself from *The Principles and Practice of International Aviation Law*, whereby the term ‘practice’ pertains more to the work of lawyers, than that of operational stakeholders. The emphasis is certainly on practice, as opposed to theory or deeper legal debates. Due to the operational focus, possible readership includes technical aviation programmes and those working in operations, maintenance, engineering, manufacturing or business management. The readership is less for practicing lawyers, although they may find it useful. Therefore, it differentiates itself from *Introduction to Air Law*. Further, it is less suitable for those

⁹ See Andrea Trimarchi, *International Aviation Labour Law* (Routledge 2022) and Jacomo Restellini, *Labour Relations in Aviation* (Wolters Kluwer 2022).

¹⁰ J. Scott Hamilton & Sarah Nilsson, *Practical Aviation & Aerospace Law* viii (Eight ed., Aviation Supplies & Academics 2024).

stepping into the topic for the first time, so it is complementary to *Fundamentals of International Aviation Law and Policy* and *Introduction to Air Law*. The focus is still primarily on United States law, so there is an overlap with *International Aviation Law: A Practical Guide*. However, the depth and operational focus of this book provide another differentiator. Thus, there is certainly a place for this book, especially for those working in or with the United States.

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