

TEXAS LAWYER

COST EFFECTIVE, PLANE AND SIMPLE

Why It Pays to Own a Private Aircraft

by GARY EVANS

The tragic events of Sept. 11, 2001, have increased many lawyers' awareness of safety issues surrounding commercial aviation and made them more resigned to paying dearly — in terms of time and inconvenience — for heightened security. While air carrier safety is at an all-time high, passenger inconvenience, flight delays and inconsistent dispatch predictability are also reaching new heights.

Fortunately, firms can opt out of the high expense and hassle of traditional commercial air transportation in favor of a better option: private aircraft flight operations. High-profile, high-dollar plaintiffs firms with jet and turbo-propeller aircraft are nothing new, nor is a lawyer's use of a charter aircraft for travel in particular cases. However, the significant expense associated with the aircraft typically utilized to provide such travel has made them inaccessible to smaller firms.

Almost by accident, our two-member firm located a 1968 Aero Commander Shrike 500S, whose previous owner recently had passed away. Although the Shrike was airworthy when purchased, she definitely needed some serious tender, loving care. Following her purchase in 2002 — at the bottom of the market for that type of aircraft — we undertook an extreme makeover, aviation edition.

During the restoration, we updated the aircraft from what it looked like when manufactured in 1968 to what the last of its breed looked like in 1978. The total overhaul left us with an air-conditioned, cabin-class, twin-engine aircraft that will carry up to

seven people at 180 knots, burning approximately 36 gallons of fuel per hour. As of this writing, we never have had a problem with the plane. It would cost approximately \$1 million to buy a comparable aircraft new, while we have just a fraction of that invested in the Shrike.

What then, does the Shrike bring to the firm and its clients, other than the sheer cool factor of being able to say you own and operate your own aircraft? For starters, aviation law has its own unique lexicon. Owning and operating a complex multi-engine aircraft keeps my partner and me abreast of what is



Coats & Evans' 1968 Aero Commander Shrike 500S transports lawyers and exhibits at no greater cost to clients than a commercial airline ticket.

transpiring in the aviation industry, while we try aviation suits and do transactional work involving the many facets of the aviation industry.

Other benefits for practicing lawyers are even greater. The late John Howie, a magnificent human being and an aviation law professional respected by both sides of the bar, perhaps stated it best in a 1997 interview with *Texas Flyer*:

What's so shocking to me is that with the quality of expertise that is potentially available on the other [defense] side, they're [defense attorneys and aircraft manufacturers are] steamrolling a lot of plaintiffs lawyers because for a lot of plaintiffs lawyers this is their first case in aviation and their [sic] not pilots. And

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in some instances, the lawyers that the manufacturers are hiring are not pilots. That's dumb. You need to hire a lawyer before you hire a pilot, but you can effectively couple law licenses to pilot experience. If you want to maximize the bang-for-the-buck in these cases, hire somebody with a little threshold knowledge so that you don't have to hire the engineers and the experts to teach your lawyer about aviation before they go in and teach the jury.

My partner and I see this dynamic all the time. While one side will typically educate the other side, the advantages to the client of aviation expertise continue all the way through trial. In the most highly regulated industry in the world, a deep and thorough understanding of operational issues resulting from being involved in flight operations on a daily basis enables experienced aviation lawyers to ask the right questions at the right time.

Time+Savings = Priceless

Other benefits arise from operating a private aircraft. Since cases may arise in out-of-the-way places, lawyers often need to travel to destinations not served by major airlines. Lawyers with their own plane can be airborne within an hour, heading toward a required destination.

With the hub-and-spoke airline system, using a combination of major and regional air carriers always raises block travel time issues. For example, travel to central Missouri requires a commercial flight to either Kansas City or St. Louis, regional airline travel to a nearby airport and then rental car travel to the ultimate destination. Considering the trip to the airport, parking, security screening, multiple enplaning and deplaning, and related activities, the roundtrip travel time for such a trip can exceed 12 hours. In fact, a minor schedule disruption might mean that a lawyer

misses the return flight altogether. That requires an overnight stay, with additional expense and attorney time. For many business destinations, if they fly commercial airlines, attorneys simply cannot complete the trip in a day. However, with a private plane, the trip often can wrap up in one day, and the ability to bring along trial materials and exhibits is beyond compare.

What is the cost to the client for this immediate dispatch ability and convenience? Nothing above and beyond what the same transportation would cost with the airlines. Our firm made a strategic decision: The client should not pay a premium for our use of the company aircraft. Therefore we only bill the lowest equivalent airfare on a per person basis to the client. Considering the direct operating cost of the Shrike, the reimbursement charged to the client ranges from a small operating loss to the recovery of those operating costs (allowed by federal aviation regulations). Another intended consequence is that the client frequently pays far less for attorney travel time.

But, the ability to be where you need to be, when you need to be there, on your schedule and using your aviation acumen while flying your own plane is priceless. 

Gary Evans is the managing shareholder in Coats & Evans in The Woodlands, which handles aviation matters almost exclusively. He is also an airline transport-rated pilot with more than 30 years and almost 12,000 hours of flight experience. He attended South Texas College of Law while flying as a line pilot for Amoco Corp. and is certified to fly the Boeing 737. The firm's Web site is www.TexasAviationLaw.com.