

**Paul Alp**

Counsel
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Washington

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Practice Areas

- Aviation
- Litigation
- Insurance/Reinsurance

Paul Alp is a counsel with Crowell & Moring LLP in Washington, DC. He brings over fifteen years of experience and innovation in solving complex problems for clients and representing them in high-stakes negotiations, before arbitral tribunals, to administrative agencies, and in state and federal courts throughout the country. A licensed multi-engine commercial pilot and active flight instructor, his practice concentrates in the areas of aviation, disputes, and insurance.

Aviation

Paul combines an in-depth knowledge of the aviation industry, operations, and the regulatory environment with substantial experience at the front lines of litigation and arbitration. He provides counseling and representation in connection with commercial disputes, regulatory matters, liability defense, enforcement actions, government investigations, and negotiations. He routinely provides advice about emerging and cutting edge aviation issues relating to air safety, certification standards, modernization of the air traffic system, and technology. Paul's clients include aircraft owners and operators, manufacturers, airlines, repair stations, and fixed base operators.

Paul represents a wide variety of aviation clients in domestic and international contentious matters. For aircraft and parts manufacturers, he also provides advice about certification and compliance issues, and helps them identify, analyze, and mitigate potential legal risks associated with their products. He counsels and represents aircraft owners and operators in connection with regulatory compliance, certification, and aircraft completions, providing advice that transcends traditional legal counseling to include technical and operational matters. He also assists trade associations and other aviation stakeholders with government relations and the formulation of public policy, laws, and regulations.

Disputes

Paul has substantial experience in the defense of complex, multi-party and

multi-jurisdictional commercial and liability cases. He routinely handles commercial disputes relating to aircraft transactions, completions, maintenance, and operations. Recent matters include international aviation-related contract disputes, major air accident litigation, and complex bankruptcies. He has represented manufacturers in the defense of product liability actions; aircraft operators in the defense of personal injury and death claims arising from accidents; and a variety of aviation clients in FAA investigations and enforcement actions. Paul has extensive experience in managing litigation teams in document and discovery-intensive disputes, working with experts, conducting depositions, drafting trial and appellate briefs, appearing in court, and negotiating complex settlements. He regularly serves as national strategic counsel in multi-jurisdictional civil suits, and has conducted numerous commercial arbitrations and mediations.

Insurance

Paul has advised clients and represented them in connection with some of the most hotly contested insurance issues in the country. He regularly provides counseling and strategic advice about coverage, claim handling, bad faith, allocation, and underwriting issues. He has represented insurers in aviation, product liability, mass tort, and environmental coverage cases, as well as asbestos bankruptcies. He has played a lead role in directing major coverage litigation including the *Consolidated Industries* product litigation involving two class actions, the *American Home Products* environmental litigation involving 39 contaminated sites, the *Eljer Industries* product liability litigation, the *Federal Mogul* bankruptcy, a reinsurance dispute involving a cedent insolvency, and the *Crane Co.* asbestos litigation.

Background

Paul graduated in 1991 from the University of Virginia. He graduated with high honors and the Order of the Coif from the George Washington University National Law Center in 1995. While in law school, he served as Notes and Projects Editor of the *George Washington Law Review*.

Paul joined Crowell & Moring after practicing from 1995-1997 with the firm of Ice Miller Donadio & Ryan in Indianapolis. A member of that firm's *Trial Practice Group*, he gained substantial first chair litigation experience in product liability and tort defense, defending cases involving industrial accidents, product defect, premises liability, toxic tort, and other types of personal injury claims. He also served on a national litigation team that defended a major pharmaceutical class action involving extensive document discovery and complex expert issues.

Paul is certified as an advanced ground instructor and flight instructor-instrument for single and multi-engine airplanes. He is a member of the Litigation section of the American Bar Association, the Aviation & Space Law and the Insurance Committees of the tort trial & insurance practice section of the American Bar Association, the Aviation Insurance Association, the NTSB

Bar Association, the Defense Research Institute, the Lawyer-Pilot Bar Association, the National Association of Flight Instructors, the Aero Club of Washington, the International Aviation Club of Washington, the Aircraft Owners and Pilots Association, and American Mensa.

Paul currently serves as a co-chair of the American Bar Association's TIPS Aviation & Space Law Committee, and is a member of the National Business Aviation Association's Regulatory Issues Advisory Group.

Representative Matters

- Lead counsel in multi-million dollar arbitration involving claims of breach of contract and fraud; after 14 days of hearings negotiated a settlement that saved client substantial litigation costs and eliminated risk of adverse award.
- Represented aircraft component manufacturer in connection with regulatory, safety, certification, and exposure issues arising from product lines that encountered service difficulties; representation included working with regulators, advice about testing and product replacement programs, promulgation of FAA and EASA airworthiness directives, and development of instructions for continued airworthiness.
- Represented aircraft owner/operator in dispute arising under contract for large aircraft completion under non-US law; lead negotiations, drafted settlement and contract documents, and provided legal and technical advice to accomplish completion of aircraft and regulatory approvals of same.
- Represented Caribbean airline in defense of personal injury claims arising out of an emergency landing.
- Served as national strategic counsel for helicopter operator in defense of multiple personal injury lawsuits arising from a fatal accident.
- Represented fixed base operator in defense of commercial claims arising from ground handling and maintenance of jet aircraft.
- Represented European airline in commercial dispute with design and manufacturing firm in an International Chamber of Commerce arbitration arising under contract for completions of multiple airliners.
- Member of team representing product manufacturer in defense of personal injury litigation arising from the Air France Flight 447 accident and the Qantas Flight 72 incident.
- Represented European airline in defense of FAA investigation arising from alleged deviation in North Atlantic airspace.
- Advised major airframe manufacturer about regulatory and liability issues arising in connection with allegedly defective aftermarket parts designed for manufacturer's aircraft.

- Member of arbitration team that represented a major railroad in series of multi-million dollar arbitrations involving rights under a long-term rail contract critical to transportation in the Northeast Corridor.
- Defended Part 135 operator against FAA enforcement action involving allegations of improper maintenance recordkeeping.
- Lead attorney in a multi-jurisdictional dispute involving two multi-million dollar product liability class actions, insurance coverage, and bankruptcy. Developed strategy, worked with experts, conducted bench trial, and led intensive negotiations that led to structured settlements of class actions.
- Represented aircraft component manufacturer in defense of FAA and OSHA investigations of so-called "whistleblower" claims made by former employee.
- Prepared CEO of regional airline to testify before Senate subcommittee investigating air safety issues, and provided strategic advice in connection with same.
- In a \$1-billion products case, drafted briefs to state Supreme Court that resulted in key ruling abrogating Seventh Circuit decision concerning the "incorporation doctrine" with respect to defective products.
- Advised major component manufacturer in commercial dispute with competitor and about related FAA and EASA regulatory issues in connection with life-limited parts on Airbus aircraft.
- Represented estate of pilot in a matter arising out of the fatal crash of a private twin-engine aircraft.
- Represented repair station in defense of claim arising from accident alleged to have been caused by sudden in-flight engine stoppage.
- Advised airframe manufacturer about testing, certification, and communications with the FAA arising from investigation and response activities in the aftermath of a fatal accident.
- One of lead attorneys directing a multi-phase environmental case involving 39 contaminated sites; after taking case through fact and expert discovery, won several summary judgment rulings knocking out the most costly sites; settled case in final stages of trial preparation.
- Represented aircraft component manufacturer in defense of FAA Part 13 complaint.
- Provided advice about FAA and DOT regulatory issues arising from acquisition of a major flight school.
- Advised trade association in connection with Congressional investigation of air safety issues and developed testimony for hearings about same.
- Represented aircraft owners and operators in defense of FAA investigations of operational control issues.
- Advised corporate flight department regarding FAA surveillance of employees and maintenance procedures.
- Provided advice and conducted due diligence investigation for acquisition of manufacturer of flight simulators.

- Represented African aircraft owners in commercial dispute arising from transaction involving defective aircraft.
- Advised fixed base operator and flight school in connection with litigation and government investigations arising out of the September 11, 2001 attacks.

Education

- George Washington University Law School, J.D., *with high honors*; Notes and Projects Editor, *The George Washington Law Review*; Order of the Coif
- University of Virginia, B.Sc., Architecture
- Center for Law & Government, American University Washington College of Law, LL.M. Law & Government with concentration in Administrative Law currently in progress

Affiliations

Admitted to practice: District of Columbia, Maryland, Indiana

Publications

- "Limitations On Liability As To Space Tourists," *Newsletter of the Aviation & Space Law Committee*, American Bar Association Tort Trial & Insurance Practice Section (Summer 2011). Author: Paul Alp.
- "Helicopter EMS: Safety Issues and Regulatory Outlook," *Newsletter of the Aviation & Space Law Committee*, American Bar Association Tort Trial & Insurance Practice Section (Winter 2009). Author: Paul Alp.
- "You've Been Served! Practical Considerations When Responding to a Subpoena," *Aviation Business Journal* (2nd Quarter 2008). Author: Paul Alp.
- "Joint-and-Several Allocation and Policy Provisions Governing the Stacking of Limits," *Insurance Coverage Law Bulletin*, Vol. 7 No. 5 (June 2008). Co-Authors: Paul Alp and Leslie A. Davis.
- "It's Not Just a Technicality," *Legal Times*, Vol. XXXI, No. 9 (March 3, 2008). Co-Authors: Paul Alp and Jonathan H. Pittman.
- "Out of Thin Air: A Causation 'Requirement' In Aircraft Liability Policy Exclusions?," *Mealey's Emerging Insurance Disputes*, Vol. 13, No. 2 (January 2008). Author: Paul Alp.
- "How New Jersey Courts Handle Common Discovery Disputes Between Policyholders and Insurers," *The Insurance Coverage Law Bulletin*, Vol. 4, No. 12 (January 2006). Author: Paul Alp.

- "The Limits of Morton: The Resistible Force of Regulatory Estoppel Meets The Immovable Object of New York's Insurance Statute," *Mealey's Litigation Report: Insurance* (May 2005). Co-Authors: Mark D. Plevin and Paul Alp.
- "The End of Eljer v. Liberty Mutual," *Journal of Insurance Coverage*, Vol. 5 No. 2 (Spring 2002). Co-Authors: Mark D. Plevin, Paul Alp and Jennifer E. Schlosser.