

# Facts You Should Know In the Aftermath of an Air Disaster

1. U.S. attorneys cannot approach potential aviation case plaintiffs for 45 days following an air disaster. Any direct solicitation before this 45 day interval is against the law; however, attorneys can speak with you, if you or your representatives initiate contact.
2. The probate or estate attorney is not an aviation attorney. For an aviation disaster case, you need an attorney with experience in aviation crash law. We are happy to work with your attorneys.
3. Your loved one did nothing wrong. It is OK to talk to the press, relatives, and others EXCLUDING the airline – airlines have tried to use words said in grief against families in litigation.
4. Call the National Transportation Safety Board (NTSB) victim coordinators whenever necessary. They are paid by our taxes to help you. (Contact numbers are located inside the back cover of this brochure.)
5. It is OK, and even helpful, to lobby, call and complain, “button hole”, and plead for information and/or change from the government.
6. You are entitled by law to get all of your loved one’s property back from the crash site. The airline must provide an accurate list of recovered property.
7. Most United States laws to protect families after a crash do not apply outside the U.S.
8. The \$25,000 that the airlines give to victims’ families immediately following a crash was encouraged by the law, and is given not out of kindness by the carrier. The carriers’ lawyers demand it back at settlement of litigation against them.
9. Don’t expect restitution to be paid to your family by a parallel criminal prosecution. Most of the time, fines and restitution go to law enforcement or the U.S. Treasury. You must bring a personal legal action to recover personally.
10. The Federal Family Assistance Plan for Aviation Disasters, prepared by the NTSB says that airlines must take the following actions:
  - Provide accident notification to families and the NTSB
  - Provide a reliable, publicized toll-free number with sufficient capacity to answer questions in the aftermath of a crash.
  - Provide timely notification of updates to family members.
  - Provide to the NTSB the most current reconciled copy of passenger manifest.
  - Secure facilities at departure, arrival, and connecting airports where family members may be gathered, so those who choose may avoid the media and the public.
  - Provide logistical support to family members who desire to travel to the incident site, which includes transportation lodging, meals, security, communication, and incidentals.
  - Inform family members at an appropriate time to obtain the dental records and dental x-rays of their loved one(s) and/or DNA exemplars.
  - Make provisions for the Joint Family Support Operations Center to include space, communication, and logistical support for the assisting local and Federal staff.
  - Make provisions for private areas within the hotel for the Disaster Mortuary Operational Response Team (DMORT) and the medical examiner personnel.
  - Provide the Department of State representative with the necessary information on foreign passengers.
  - Provide notification to family members prior to releasing passenger names to the public.
  - Inquire at the time of notification, or soon after, if family members desire American Red Cross (ARC) crisis assistance.
  - Provide the media with continuous updates on the progress of the notification process.
  - Assist family members as they travel to and from the crash site.
  - Provide a contact person to meet family members as they arrive, and accompany them to the accident site.
  - Maintain daily contact with family members who do not travel to the incident site by providing them with a contact person from the airline.



- Establish a badging system to identify family members.
- Establish a joint liaison with the ARC at each supporting medical treatment facility to track the status of injured victims and to provide assistance to their families.
- Develop procedures for the handling of personal effects not being held as evidence.
- Designate an individual who will be the airline's representative to the Deputy Director of FAA.
- Consult with family members about any airline-sponsored monument.
- Provide reasonable reimbursement to the ARC for services provided to the family.
- Coordinate with the United States Department of Justice (DOJ) in arranging meetings with family members to explain their rights under the victims of crime legislation, if the crash is declared a crime.
- Provide the same support and treatment of families of non-revenue passengers as for revenue passengers.
- Participate in daily coordination meetings to review daily activities, resolve problem areas, and synchronize future family support operations.

*“Mary Schiavo was not a conventional government watchdog. For one thing, she barked. Most other federal internal police officers are content to audit and report quietly to their superiors about small irregularities. Ms. Schiavo, a former prosecutor who freely acknowledged, ‘I love the hunt,’ preferred to make noise—especially about the FAA... She has been a force for safer skies.”*

THE NEW YORK TIMES