

**RESUME OF  
E. ALAN ARMSTRONG**

**BUSINESS ADDRESS**

Park Ridge 85 Office Park  
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Atlanta, Georgia 30341  
(770) 451-0313

**EDUCATION**

1974                   **EMORY UNIVERSITY SCHOOL OF LAW**, Atlanta, GA  
to  
1976                   Juris Doctorate, 1976  
Academic Average: 83.62

1973                   **OHIO NORTHERN UNIVERSITY, PETTIT COLLEGE OF LAW**,  
to  
Ada, Ohio. Academic Average: 3.5 (No. 1 in  
1974                   class).

1968                   **BERRY COLLEGE**, Rome, Georgia. Bachelor of Arts.  
to  
1972                   Major: Sociology. Minor: Philosophy and Religion

**EXPERIENCE**

1980 to                   Engaged in the general practice of law as a sole  
Present                 practitioner. The practice includes civil  
litigation with an emphasis on personal injury  
litigation and aviation matters.

**PROFESSIONAL ACTIVITIES AND ADMISSIONS**

Member of the following professional groups:

Association of Trial Lawyers of America;  
American Bar Association (ABA);  
ABA Forum Committee on Air and Space Law;  
ABA Tort and Insurance Practice Section;  
National Transportation Safety Board Bar Assn.

(Founding Member);  
Lawyer Pilots Bar Association, (Contributing Editor);  
Georgia Bar Association;  
Georgia Association of Trial Lawyers;  
Atlanta Bar Association; and  
Decatur-Dekalb Bar Association.  
Chairman, Aviation Section of State Bar of Georgia,  
1998, 1999, 2000, 2001, 2003.

Admitted to practice before the following courts:

State, Superior and Appellate Courts for the State  
of Georgia on November 15, 1976;  
Georgia Court of Appeals, November 16, 1976;  
Georgia Supreme Court, November 16, 1976;  
United States District Court for the Northern District  
of Georgia, January 5, 1977;  
United States Court of Appeals for the Fifth Circuit,  
June 30, 1977;  
United States Court of Appeals for the Eleventh  
Circuit, October 1, 1981;  
United States Supreme Court, December 17, 1982;  
United States District Court for the Southern District  
of Georgia, February 13, 1989;  
United States Court of Appeals for the Fourth Circuit,  
March 23, 1989;  
United States District Court for the Middle District  
of Georgia, January 24, 1992; and  
United States Court of Appeals for the Sixth Circuit,  
January 29, 1992.

**LEGISLATIVE TESTIMONY:**

Testified before the Subcommittee  
on Aviation of the Committee on Public Works and  
Transportation on November 15, 1989, regarding  
The FAA's Civil Penalty Assessment Demonstration  
Program.

**SPEAKING ENGAGEMENTS**

- Addressed the Georgia Aviation Trades Association Business Meeting at Jekyll Island, Georgia on June 3, 1989, regarding the Federal Aviation Administration's Civil Penalty Assessment Demonstration Program.
- Addressed the Flying Rebels in Atlanta, Georgia on June 4, 1989, regarding the FAA's Civil Penalty Assessment Demonstration Program.
- Addressed the Florida Aero Club at its meeting in St. Petersburg, Florida on August 12, 1989, regarding:  
(1) The FAA's Enforcement Practices, (2) Prosecutions Relating to the FAA's Medical Application Form, and  
(3) The FAA's Civil Penalty Assessment Demonstration Program.

- Addressed the Chattanooga Flyers, Chattanooga, Tennessee, September 5, 1989 regarding: (1) FAA Enforcement Practices, (2) Prosecutions Related to the FAA's Medical Application Form, and (3) the FAA's Civil Penalty Assessment Demonstration Program.
- Addressed persons in attendance at the National Transportation Safety Board Bar Association's Southern Region Meeting in Atlanta, Georgia, March 21, 1991, and presented a paper entitled: "Defending False Statement Charges Related to the FAA's Medical Application Form."
- Addressed persons in attendance at the Sun-n-Fun Meeting in Lakeland, Florida, April 7, 1991, and presented a paper entitled: "Defending False Statement Charges Related to the FAA's Medical Application Form."
- Organized and participated in a mock trial at the Sun-n-Fun Fly-In in Lakeland, Florida, April 10, 1992. Afterwards, gave a presentation on "Recent Developments in Aviation Law."
- Addressed the Experimental Aircraft Association Chapter 611 on July 4, 1992, regarding the FAA's Civil Penalty Assessment Demonstration Program and H.R. 5481 reported out of the House Aviation Subcommittee on June 25, 1992.
- Addressed the Aero Club of Metropolitan Atlanta on the topic of FAA Enforcement Actions on January 11, 1994.
- Co-Chair of Aviation Law Seminar presented by the Aviation Law Section of the State Bar of Georgia on November 6, 1997, in Atlanta, Georgia.
- Addressed Experimental Aircraft Association Chapter 690, October 9, 1998.
- Chair of seminar entitled: "Successful handling of Wrongful Death Cases in Georgia," presented by Lorman Education Services on May 19, 1999, in Atlanta, Georgia.

- Co-Chair of seminar entitled: "Product Liability in Air Crash Litigation," presented by the Aviation Section of the State Bar of Georgia on March 30, 2000, in Atlanta, Georgia.
- Addressed the Silver Wings Fraternity, Georgia Chapter, August 7, 2002.
- Co-Chair of seminar entitled: "Aviation Law," presented by the Aviation Section of the State Bar of Georgia on February 7, 2003, in Atlanta, Georgia.
- Addressed the Dixie Wing of the Commemorative Air Force on the American Volunteer Group/Flying Tigers, September 20, 2003.
- Addressed lawyers in attendance at the First Annual In-House Counsel Conference, sponsored by the National Pilot's Association in Atlanta, Georgia, January 26, 2004.
- Addressed persons in attendance at World War Two Day of the Dixie Wing of the Commemorative Air Force concerning "*Preemptive Strike - America's Secret Plan to Bomb Japan Before the Attack on Pearl Harbor*," April 3, 2004.
- Addressed the Silver Wing Fraternity, Georgia Chapter, concerning "*Preemptive Strike - America's Secret Plan to Bomb Japan Before the Attack on Pearl Harbor*," April 7, 2004.
- Addressed persons in attendance at the Fourth Annual Alabama Airport Conference in Orange Beach, Florida, April 23, 2004.
- Organized and co-chair of seminar entitled "Aviation Law," presented by the Aviation Section of the State Bar of Georgia on April 15, 2005.
- Addressed Experimental Aircraft Association Chapter 690 concerning my book: *Preemptive Strike*, November

8, 2006.

- Addressed Project Patriot concerning my book: *Preemptive Strike*, January 4, 2007.

### **PERSONAL HOBBIES AND INTERESTS**

Flying: Hold a commercial pilot certificate with instrument ratings in a single-engine and multi-engine land airplanes. Also rated as a certified instrument flight instructor.

Presently, own and fly a 1969 Beechcraft E-33A. Also owns, together with three other pilots via Japanese Bomber, LLC, a 1943 North American SNJ-4 "Texan" modified for the Twentieth Century Fox Film *Tora! Tora! Tora!* to depict a Nakajima B5N2 bomber (Allied code name "Kate") like those that attacked Pearl Harbor on December 7, 1941. See the website of [www.japanesebomber.com](http://www.japanesebomber.com).

Has developed film proposals and screenplay synopses dealing with the exploits of the American Volunteer Group ("AVG"), more commonly known as the *Flying Tigers*. See the website of Flying Tigers, LLC at [www.flyingtigersfilm.com](http://www.flyingtigersfilm.com).

Active in the Dixie Wing of the Commemorative Air Force. Completed a Commemorative Air Force Unit Safety Meeting, November 24, 2003. Previously attended the Dixie Wing of the Commemorative Air Force ground school on the North American AT-6/SNJ series aircraft.

### **AUTHOR OF PUBLICATIONS IN PROFESSIONAL JOURNALS**

1. "Pilot Certificate Actions and Civil Penalties," Journal of Air Law and Commerce, Vol. 52, No. 1 (1986).
2. "Aviation Safety and the FAA's Quality Assurance Program," 12 Air Law, 58 (1987); reprinted in Lawyer-Pilots Bar Association Journal, Vol. IX, No. 2, at 29 (Spring, 1987).
3. "The Pilot's Pre-Flight Inspection Obligations as Relates

- to a Misfueled Aircraft," 12 Air Law, 143 (1987).
4. "Videotaping FAA Inspections," 13 Air Law, 71 (1988), reprinted in Lawyer-Pilots Bar Association Journal, Vol. X, No. 3, at 24 (Summer, 1988).
  5. "Proposed Revisions to America's National Airspace System: A Crisis in Leadership," 13 Air Law, 172 (1989).
  6. "Seventh Circuit Vacates FAA Order Denying Exemption to Airline Pilots Over Age Sixty," 14 Air Law, 36 (1989).
  7. "Is the FAA's Medical Application Form Too Ambiguous to Satisfy Due Process?," 14 Air Law, 109 (1989), reprinted in Lawyer-Pilots Bar Association Journal, Vol. XI, No. 3, (Summer, 1989).
  8. "The Defective ATC Clearance and FAA Enforcement Actions," Lawyer-Pilots Bar Association Journal, Vol. XI, No. 4, at 7 (Fall, 1989).
  9. "Drug Testing is on the Way," Lawyer-Pilots Bar Association Journal, Vol. XII, No. 1, at 116 (Winter, 1990).
  10. "Altitude Deviations: The Pilot v. ATC," Lawyer-Pilots Bar Association Journal, Vol. XII, No. 2, at 28 (Spring, 1990).
  11. "A Lawyer's Conflict of Interest: Multiple Representation," Lawyer-Pilots Bar Association Journal, Vol. XII, No. 3, at 37 (Summer, 1990).
  12. "The Rightful Reliance Defense," Lawyer-Pilots Bar Association Journal, Vol. XII, No. 4, at 13 (Fall, 1990).
  13. "FAA Decrees Driving Records Germane," Lawyer-Pilots Bar Association Journal, Vol. XII, No. 4, at 28 (Fall, 1990).
  14. "Instrument Approaches and Flight Visibility," Lawyer-Pilots Bar Association Journal, Vol. XIII, No. 1, at 28 (Winter, 1991).
  15. "The Section 609 Checkride," Lawyer-Pilots Bar Association Journal, Vol. XIII, No. 2 at 9 (Spring, 1991).

16. "Reflections on Pilots Operations," Lawyer-Pilots Bar Association Journal, Vol. XIII, No. 3, at 6 (Summer, 1991).
17. "Careless or Reckless Aircraft Operations," Lawyer-Pilots Bar Association Journal, Vol. XIII, No. 4, at 12 (Fall, 1991).
18. "Defending False Statement Charges Relating to the FAA's Medical Application Form," Journal of Air Law and Commerce, Vol. 57, No. 2 (Winter 1991).
19. "The FAA's Expunction Policy Concerning Records of Federal Aviation Regulation Violations," Lawyer-Pilots Bar Association Journal, Vol. XIV, No. 1 at 15 (Winter, 1992).
20. "The Gray Area of Illegal Air Taxi Operations," Lawyer-Pilots Bar Association Journal, Vol. XIV, No. 2, at 32 (Spring 1992).
21. "The Suppression of Evidence Obtained by the FAA Under Color of 'Informal' or 'Administrative' Subpoenas," Lawyer-Pilots Bar Association Journal, Vol. XIV, No. 4, at 28 (Fall 1992).
22. "LPBA Member's Success in Raising EAJA Attorney Fees," Lawyer-Pilots Bar Association Journal, Vol. XV, No. 2, at 28 (Spring 1993).
23. "Should Airmen Be Required to Demonstrate 'Prejudice' as a Prerequisite to the Dismissal of an Untimely FAA Complaint?," Lawyer-Pilots Bar Association Journal, Vol. XVI, No. 1, at 11 (Winter, 1994).
24. "Navigating in the Zone of Confusion -- Reflections on Illegal Air Taxi Operations," 21 Transportation Law Journal, 329 (1993).
25. "What is a Reasonable Basis for Requesting a Section 609 Re-Examination?," Vol. XVI, No. 4, Lawyer-Pilots Bar Association Journal, Summer, 1996.

26. "Absence of Position Awareness and Poor CRM May Have Resulted in the American Airlines Crash in Columbia," Vol. XVIII, No. 1, Lawyer-Pilots Bar Association Journal, Winter, 1996.
27. "May a Captain Reasonably Rely on the Minimum Equipment List for His Aircraft in Activating a Component or System that is a Deferred Maintenance Item?," Vol. XIX, No. 2, Lawyer- Pilots Bar Association Journal, Spring, 1997.
28. "The Trip to Sun 'N Fun - 1998," Vol. XX, No. 2, Lawyer Pilots-Bar Association Journal, Summer, 1998.
29. "FAA Inspectors and Special Agents Get Authority to Issue Traffic Tickets/Administrative Actions," Vol. XX, No. 3, Lawyer-Pilots Bar Association Journal, Fall, 1998.
30. "Thoughts from Alan Armstrong - On Miscellaneous Aviation Matters," Vol. XX, No. 4, Lawyer-Pilots Bar Association Journal, Winter, 1998-1999.
30. "Aircraft Partnership Agreements - Be Careful who you Pick as your Partner," Vol. XXI, No. 4, Lawyer-Pilots Bar Association Journal, Winter, 1999-2000.
31. "How to Buy an Airplane," Vol. XXIII, No. 1, Lawyers-Pilots Bar Association Journal, Spring, 2001.
32. "Flight Watch (Discussion of recent catastrophic injury cases)," Vol. XXIII, No. 2, Lawyers-Pilots Bar Association Journal, Summer, 2001.
33. "NTSB Affirms FAA Order Revoking a Control Tower Operator Certificate," Vol. XXIV, No. 1, Lawyers-Pilots Bar Association Journal, Spring 2002.
34. "The Federal Aviation Act May Not Completely Preempt Trespass Actions Under State Law," and "Getting Time in a Texan," Vol. XXIV, No. 2, Lawyer-Pilots Bar Association Journal, Summer 2002.

35. "Federal Express Developing an Aviation Safety Program," Vol. XXV, No. 1, Lawyer-Pilots Bar Association Journal, Spring 2003.
36. "Flying Tigers Film Proposal," Vol. XXV, No.2, Lawyer Pilots Bar Association Journal, Summer, 2003.
37. "Flying at Duxford," Vol. XXV, No. 3, Lawyer-Pilots Bar Association Journal, Fall, 2003
38. "A Tour of Flight Safety in Atlanta, Georgia," Vol. XXV, No. 4, Lawyer-Pilots Bar Journal, Winter, 2003-2004
39. "Flying Tigers Honored at Zihjiang International Peace and Cultural Festival," Vol. XXVI, No. 1, Lawyer-Pilots Bar Association Journal, Spring, 2004.
40. "Flightwatch," including discussion of *McFann v. Sky Warriors, Inc.*, \_\_\_\_ Ga. App. \_\_\_\_ Case Numbers: A-04-A0092, A-04-A0093 (June 24, 2004), Vol. XXVI, No. 3, Lawyer-Pilots Bar Association Journal, Fall, 2004.
41. "Timeshare in the Air," Vol. XXVI, Number 4, Lawyer-Pilots Bar Association Journal, Winter, 2004-2005.
42. "FAA Implements Changes to Part 13 of the Federal Aviation Regulations Dealing with Civil Penalty Actions," Vol. XXVII, No. 1, Lawyer-Pilots Bar Association Journal, Spring, 2005.
43. "Ninth Circuit Court of Appeals Reverses the NTSB for its Reversal of a Credibility Assessment Made by Judge Mullins," Vol. XXVII, No. 2, Lawyer-Pilots Bar Association Journal, Summer, 2005.
44. "A Trip to Andrews Air Force Base for the Joint Services Open House of 2005," Vol. XXVII, No. 3, Lawyer-Pilots Bar Association Journal, Fall, 2005.
45. "Overcoming the Administrator's 'Emergency' Characterization in Aviation Enforcement Proceedings." *The Air & Space Lawyer*, Vol. 20, No. 2, Fall, 2005, pp. 17-21.

46. "Enforcement Docket: (1) United States Court of Appeals for the District of Columbia Affirms Lifetime Revocation of Airman's Certificate; and (2) Mounting a Successful Defense to a TFR Penetration Charge," Vol. XXVII, No. 4, Lawyer-Pilots Bar Association Journal, Winter, 2005-2006.
47. "Overcoming the Administrator's Emergency Characterization in Aviation Enforcement Proceedings," Vol. XXVIII, No. 1, Lawyer-Pilots Bar Association Journal, Spring, 2006.
48. "FAA Operation Specification A008 - Killing A Flea With A Sledgehammer," The National Transportation Safety Board Bar Association Newsletter (Summer, 2006). This article also appeared in Vol. XXVIII, No. 2, Lawyer Pilots Bar Association Journal, Summer 2006.
49. "Economic Loss Doctrine May Bar Claims of Damage to Aircraft Caused By Negligent Inspection," Vol. XXVII, No. 4, Lawyer Pilots Bar Association Journal, Winter, 2006 - 2007.
50. "Flight Watch," Vol. XXVIII, No. 2, Lawyer Pilots Bar Association Journal, Summer, 2007.
51. "The Flying Legends Air Show at Duxford - 2007," Vol. XXVIII, No. 3, Lawyer Pilots Bar Association Journal, Fall, 2007.
52. "NTSB Issues an Order Declaring that the FAA Can Ignore Policies in its Own Enforcement Handbook." Vol. XXVIII, No. 4, Lawyer Pilots Bar Association Journal, Spring, 2008.
53. "Long Arm Jurisdiction in the 21<sup>st</sup> Century and Its Relation to Air Crash Litigation," Vol. 16, No. 1, American Association of Justice, Aviation Law Section Newsletter, Fall, 2008.
54. "Emergency Authority" Vol. XXIX, No. 3, Lawyer Pilots Bar Association Journal, Fall, 2008.
55. "Flightwatch," Vol. XXIX, No. 3, Lawyer Pilots Bar Association Journal, Fall, 2008.

56. "Flightwatch, Airline's ASAP Reports are Discoverable says District Court," Vol. XXIX, No. 4, Lawyer Pilots Bar Association Journal, Winter, 2008-09.
57. "Long Arm Jurisdiction in the Twenty-First Century and Its Relation to Air Crash Litigation," Vol. XXX, No. 1, Lawyer Pilots Bar Association Journal, Spring, 2009.

#### **AUTHOR OF PUBLICATIONS IN PERIODICALS**

1. "The Price of Your Toys," Plane & Pilot, August, 1985; reprinted in Lawyer-Pilots Bar Association Journal, Vol. VII, No. 3, at 28 (Summer 1985).
2. "FAA Sanctions for Violations," The GA Pilot, February, 1988.
3. "Reckless Flying and Aviation Safety Reports," The GA Pilot, March, 1988.
4. "88-2 Deadline Has Been Extended," The GA Pilot, April, 1988.
5. "Altitude Deviations - Part 1," The GA Pilot, May, 1988.
6. "FAA Policy Concerning Altitude Deviations - Part 2," The GA Pilot, June, 1988.
7. "Mode C Still Causing Controversy," The GA Pilot, July, 1988.
8. "TCA and ARSA Incursions," The GA Pilot, August, 1988.
9. "Inoperative Aircraft Equipment and the General Aviation Pilot," The GA Pilot, September, 1988.
10. "Operators and Inoperative Equipment," The GA Pilot, October, 1988.
11. "FAA Implements New Sanction Guidelines," The GA Pilot, November, 1988.

12. "The Instructor As Pilot in Command," The GA Pilot, December, 1988.
13. "Medical Certificate Cases Dismissed," The GA Pilot, January, 1989.
14. "Consultation Among FAA Counsel: More Direction from Washington is the Rule," The GA Pilot, February, 1989.
15. "The FAA's Civil Penalty Assessment Demonstration Program," The GA Pilot, March, 1989.
16. "Coordination Among FAA Counsel," The GA Pilot, April, 1989.
17. "Ruling on Medical Certificates," Air Line Pilot, April, 1989.
18. "FAA Resumes Certificate Prosecutions," The GA Pilot, May, 1989.
19. "Open Letter to Pilots," The Aviation Times, June, 1989.
20. "Congressmen Hear Complaints Against FAA," The Aviation Times, July, 1989.
21. "Can the FAA Be Prosecutors and Judge?," The Aviation Times, August, 1989.
22. "FAA Seeks Expansion of Civil Penalties," The Aviation Times, September, 1989.
23. "Most Jury Pools, Judges Not Pilots," The Aviation Times, October-November, 1989.
24. "Appealing NTSB Decisions (The Scope of Review)," The Aviation Times, December, 1989.
25. "A Pilot's Call to Political Action," The Gulf Coast Aviator, December, 1989.

26. "Drug Testing Now Required," IFR Magazine, April, 1990.
27. "The FAA's Civil Penalty Assessment Demonstration Program," U.S. Aviator, Southern/Gulf Coast Edition, April, 1990.
28. "What To Do About Defective Clearances," IFR Magazine, May, 1990.
29. "Are FAA Medical Forms Self-Incriminating?," IFR Magazine, June, 1990.
30. "Guarding Against Altitude Busts," IFR Magazine, July, 1990.
31. "Civil Penalties for Pilots: Demonstration Program Continues," The Stick Shaker, (Independent Newsletter for Federal Express Pilots), Summer, 1990.
32. "Completing Medical Forms Can Be Self-Incriminating," U.S. Aviator, August, 1990.
33. "Pilots' Licenses Should Be Vested Rights ... Not Privileges," Sport Aviation, August, 1990.
34. "The AIM: Regulations in Disguise?," IFR Magazine, September, 1990.
35. "A Lawyer's Conflict of Interest: Multiple Representation," The Stick Shaker, Fall 1990.
36. "Under the Gun: PIC Liability," IFR Magazine, October, 1990.
37. "Flightwatch -- Pilot Wins Case Because FAA Couldn't Provide Identity," Southern Aviator, November, 1990.
38. "If You've Got a DWI Rap, the FAA Wants to Know," IFR Magazine, November, 1990.
39. "Making a Case: Defending Cockpit Resource Management," Southern Aviator, December, 1990.
40. "CRM" The Rightful Defense (Who's on First, What's on

- Second and Nobody's in Charge)," The Stick Shaker, Winter 1990-91.
41. "Short Takes from the NTSB Docket," IFR Magazine, January, 1991.
  42. "The Legalities of Busting Minimums," IFR Magazine, March, 1991.
  43. "The 609 Ride; Not as Bad as You Think," IFR Magazine, June, 1991.
  44. "The Perils of Miscommunication," IFR Magazine, September, 1991.
  45. "Is Careless or Reckless Really a Catchall?," IFR Magazine, December, 1991.
  46. "The FAA's New Expungement Policy," IFR Magazine, March, 1992.
  47. "Improper Air Taxi: Don't Even Think About It," IFR Magazine, June, 1992.
  48. "What Does 'Hold for Release' Really Mean?," edited by Alan Armstrong, IFR Magazine, June, 1993.
  49. "Pireps Don't Count For Much in Assessing Icing," IFR Magazine, December, 1993.
  50. "The NTSB's Inconsistent View of Undeclared Emergencies," IFR Magazine, September, 1994.
  51. "Altitude Busts - No Your Obligations and Options as a Pilot," Airline Pilot Careers, August, 2000.
  52. "Dealing with DUI Convictions," Airline Pilot Careers, October, 2000.
  53. "Faulty Pre-Flight Check," "Pilot Protected Under PRIA" and "Captain's Checklist Deviation Upheld," Airline Pilot Careers, November, 2000.

54. "Pilot Complacency," Airline Pilot Careers, December, 2000.
55. "Jury Awards Substantial Verdict" and "Firefighter's Rule," Airline Pilot Careers, August, 2001.
56. "Getting it Fixed Right, "The Aviation Consumer, Vol. XXXV, No. 8, August, 2005.
57. "Preemptive Strike - America's Plan to Attack Japan First Would Have prevented Pearl Harbor," Flight Journal, June, 2006.
57. "The Flying Tigers and Pearl Harbor - - The Rest of the Story," Warbirds, February 2009.
58. "Warbird - Weight and Balance - - How much do you weigh?," Warbirds, March 2009.

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