

Eric T. Smith

Eric Smith concentrates his practice in the aviation, airport, and aviation-based labor, airport concessions, and bankruptcy arenas.

He represents airport owners and operators of all sizes across the United States, providing legal and practical counsel on a full spectrum of issues that range from drafting large-scale operating agreements, to acquiring federal assistance for obtaining and maintaining air carrier service, to securing federal grants for physical improvements to the airport.

With respect to airport finances, Mr. Smith utilizes his broad financial expertise to fashion solutions for airports facing a myriad of challenges in a variety of settings. Whether it involves a critical re-examination of airline rates and charges or developing innovative ways to develop airport property into an income-producing asset, Mr. Smith has the tools and experience to provide innovative and forward-thinking structures to the challenges that face airports today.

Eric has extensive experience structuring and negotiating complex business arrangements, both in the distressed and non-distressed business contexts. Eric's bankruptcy experience is extensive, having represented debtors, and a wide-array of creditors (including large banks, landlords, and airports), in Chapter 11 proceedings all across the United States. He has particular expertise in representing airport operators and aircraft owners and lessees in airline bankruptcies having been deeply involved in all post-9/11 airline bankruptcy cases and has served as counsel to airports of all sizes in those cases.

Eric as an experienced litigator, he is also well equipped to handle airport-based litigation, whether it is suits brought by airlines, tenants, or property owners. His practice covers regulatory and litigation matters proceedings before the U.S. Department of Transportation, Federal Aviation Administration, and in cases filed in both the state and federal courts.

Additionally, he is also experienced in labor and employment matters and assists airports in navigating the myriad of issues involving on-airport employment matters, including labor peace agreements, prevailing wage ordinances, and how those issues may impact concessions programs, such as ACDBE programs.

Representative Experience

- Acted as lead counsel on complex negotiation of airline use and lease agreement involving construction of new terminal complex and associated issuance of general airport revenue bonds (GARBs), as well as creation of structure to



Partner

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Areas of Practice

Airport Concessions
Airport Litigation
Airports
Airspace
Aviation Bankruptcy
Environmental Aspects of Bankruptcy
Financial Matters
Grant Assurance and Compliance and Part 16
Labor and Employment
Legislative Drafting and Lobbying
Noise
Rules and Regulations and Minimum Standards
Safety and Security
Unmanned Aircraft Systems / Drones
Use and Lease Agreements

Education

J.D., Temple University Beasley School of Law, 1993
B.A., *cum laude*, Duquesne University, 1989

Bar and Court Admissions

Commonwealth of Pennsylvania
District of Columbia
United States District Court for the District of Colorado
United States District Court for the Western District of Pennsylvania



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- utilize previous agreement as a bridge to new agreement.
- Acted as lead counsel for large hub airport in substantially-revising airline rates and charges and implementation of rates-by-ordinance.
- Represented small-hub airport in modification of rates and charges to best position airport to adjust to emerging space constraints and to evolving airline and aircraft mix.
- Acted as lead counsel for several airports in structuring, negotiating and drafting new concessions program agreements.
- Successfully negotiated an assumption of a use and lease agreement at large hub airport that maintained hub status of carrier and approved large new capital investment at airport.
- Acted as special Passenger Facility Charge (PFC) counsel in multi-layer bond issue that was partially secured by PFCs at large hub airport
- Restructured airline, concessions and rental car agreements at numerous airports during COVID-19 crisis.
- Acted as lead counsel for consortia of airports in rental car bankruptcies. Among tasks completed was successful protection of funds held in trust for airports, among which were CFCs.
- Represented medium hub airport in successful litigation of rejection claim involving use and lease agreement resulting in multimillion-dollar payout to airport
- Represented medium hub airport matter involving rejection of special facility lease in bankruptcy case of hangar and restructuring of related bond debt
- Acted as special Passenger Facility Charge (PFC) counsel in multi-layer bond issue that was partially secured by PFCs at large hub airport
- Acted as lead counsel for numerous airports (ranging from small to large hubs) in the negotiation of airline use agreements
- Represented small hub airport in multi-year dispute with network carriers over scope of permissible rate-setting mythologies to employ for charging airlines for use of airport facilities
- Litigated at FAA Part 16 enforcement action involving fixed-base operator and small hub airport and related modification to minimum standards
- Represented small hub airport in Part 13 matter involving unsuccessful bid on new agreement for long term agreement with a fixed-base operator
- Represented large hub airport in defense of record of decision at FAA concerning runway realignment and related property acquisition
- Represented large hub airport in negotiation of labor

United States District Court for
the Middle District of
Pennsylvania
United States Court of Appeals
for the Third Circuit
United States Court of Appeals
for the D.C. Circuit



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harmony agreement in connection with airport concessions operations and related matters

- Assisted medium hub airport in lease negotiations for development of airport land for non-aeronautical use
- Represented medium hub airport in developing global resolution to airport concessions, labor dispute, and related renegotiation of master concessions contract
- Assisted small, general aviation airport in developing alternative instrument approaches to address obstructions in approach area of airport
- Represented large hub airport in drafting of concessions agreements for new concessions program
- Assisted medium hub airport in developing and implementing airline incentive plan for new entrant air service

Professional and Civic Activities

- Member, American Bar Association
- Member, Airports Council International-North America
- Member, American Association of Airport Executives, Northeast Chapter
- Board Member, Aviation Council of Pennsylvania
- Member, Aircraft Owners and Pilots Association
- Member, Turnaround Management Association
- Board Member, Brian Anselmino Memorial Fund

Publications

Airport Law Desk Reference (annual editions)
2014–Present

Airport Law Alert: Airport Law in the Time of COVID-19
05.06.20

Airport Law Alert - FAA Proposes Drone Remote ID Rule
01.06.20

ACRP Legal Research Digest 37: Legal Issues Relating to Airports Promoting Competition
June 2019

ACRP Legal Research Digest 31: Preemption of Worker-Retention and Labor-Peace Agreements at Airports
February 2017

Emerging Trends in Airport–Airline Use and Lease Agreements in the USA
Summer 2016



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The FAA's New Small UAS Rule: What Airport Sponsors and Local Governments Need to Know
06.23.16

ITC Phase Down Creates Near-Term Solar Opportunities for Airport Owners
12.10.14

News

CertAlert: Updated Guidance for Airport Emergency Plans
09.28.21

Eric Smith Elected to Aviation Council of Pennsylvania Board and Presents at Annual Conference
11.18.20

Kaplan Kirsch & Rockwell Hosts 34th Annual Airport Law Workshop
10.28.18

Washington Post Article Summarizes Impacts of Flight Paths Across U.S.
The Washington Post
10.23.17

Kaplan Kirsch & Rockwell Hosts 33rd Annual Airport Law Workshop
10.17.17

Kaplan Kirsch & Rockwell Hosts 32nd Annual Airport Law Workshop
11.15.16

D.C. Circuit Declines to Review DOT Decision on Dallas Love Field
08.09.16

Latest News on FAA Reauthorization
07.14.16

Kaplan Kirsch & Rockwell Hosts 31st Annual Airport Law Workshop
11.01.15

Kaplan Kirsch & Rockwell Welcomes New Partner Eric Smith
09.02.14

Presentations

David Bannard and Eric Smith Present Webinar on COVID-19 Impact on Airport-Airline Business Relationships
11.29.21

Firm Attorneys Present at 2021 ACI Annual Conference



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11.05.21

Eric Smith and Steven Osit Present at FAC Annual Conference
07.16.21

Bankruptcy & Accommodations of Tenants' and Users' Financial
Problems
10.29.20

Crisis Management for Airport Lawyers
10.22.20

Confronting COVID-19
04.02.20

Regulating Drones (UAS) Around Airports
10.15.19

Airport Concessions Programs: Models, Finances, and
Contracting (including Labor and ACDBE Issues)
10.14.19

Introduction to Negotiation of Use and Lease Agreements
10.14.19

A Lawyer's Introduction to Airport Finances
10.13.19

Eric Smith Provides Training Session on UAS Issues
05.23.19

Preemption of Worker-Retention and Labor Peace Agreements
at Airports
03.12.19

Negotiation of Airline Use and Lease Agreements
10.29.18

New Developments and Policies Affecting Airport Finance
10.29.18

UAS Operations Near Airports: Role of the Airport Sponsor
09.18.18

Ins and Outs of Non-Aeronautical Development at Airports
09.18.18

Land Development, Use, and Development for Aeronautical and
Non-Aeronautical Purposes
03.25.18

Untangling the Web of Legal and Liability Issues Surrounding
UAS



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12.05.17

Commercial Airport Agreements

10.17.17

Airport Finance – Operational Issues

10.16.17

Contracting, Labor, and Procurement

10.16.17

Negotiating Agreements with FBOs, Legalities, Strategies & War Stories: Practical Advice for the Airport Sponsor

04.10.17

Drones, Manned Aircraft and The Role of Local Governments

04.07.17

There's Still Room at the Inn: A Legal and Practical Overview of How Local Governments Can Protect Safety of Manned Flight Around Airports

01.11.17

Can Drones and Airports Coexist?

11.15.16

Complex and Creative Financial Transactions

11.14.16

Tools for Negotiations with Airlines and Other Aeronautical Users

11.14.16

Operating a Passenger Terminal: Labor, Gender Discrimination, Concessions, and Other Emerging Issues

11.14.16

How to Fly Legally: A Primer on Part 107

10.14.16

Drones: Uses, Regulations & Legal Implications for Municipalities

07.14.16

Unmanned Aerial Systems & The Airport Sponsor: Essential Information For The Airport Sponsor

05.17.16

Unmanned Aerial Systems & The Airport Sponsor: The Current Regulatory Framework and Practical Considerations

05.07.16

So You Want to Own and Operate an FBO?

04.11.16



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Drones: Municipal Regulation and Use -- Navigating FAA Rules and Preemption; Leveraging Opportunities and Overcoming Challenges of Unmanned Aerial Vehicles
01.27.16

Bringing It All Together: Facilitated Integration Discussion on Integration of UAS into the NAS and the Airport Environment
11.10.15

Airport Proprietors' Liability and Safety Obligations
11.03.15

Agreements with Airlines and Other Commercial Users
11.03.15

Airport Finance 101 Funding Sources for Airports
11.02.15

Rise of the Drones – What Do Unmanned Aircraft Systems Mean to You?
10.05.15

Litigation Update (Substantial Contribution Standard for \$4.50 PFCs, What's the Standard?)
10.03.15

Labor & Wage Trends & How They Affect Business
04.20.15

Issues Relating to Workers for Airlines, Contractors, and Concessionaires: Labor Peace, Living Wage Issues – the Philadelphia Experience
04.17.15

Town Hall Forum – Airports' Role after UAS Integration into the NAS
11.19.14

Negotiating Airline Use and Lease Agreements
10.21.14

Labor Harmony, Living Wage And Related Topics
04.08.14

Aviation Litigation Update: Fees, Wage Laws, Airports & Other Challenges
02.19.14

Litigation Update, Part 16 Litigation: Lowering Minimum Standards, No Good Deed Goes Unpunished
September 2013

Airport Document Retention Programs: An Overview of Best Practices



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08.17.13

Airports Council International-North America
August 2013

Airports, Firearms and Applicable Law, Federal and State: A
Practical Overview
05.17.13

Airline Bankruptcy Update
05.17.13

FAA Enforcement Actions: When the Auditors Come Calling
05.16.13

Airline Bankruptcies: Protection of Airports' and Agency Interests
March 2012

Recent Trends in Airport Concessions Model: Labor & Economic
Issues
11.08.11

U.S. Airport and Large Construction Projects: Risk Mitigation
Tools
September 2010

U.S. Airport Risk Profiles: Planning for Airport Structure
Damage/Loss
04.17.10

Current Airport Financing Issues: Airport-based Derivative
Products
May 2009

Navigating the Risks of Aerospace Product Liability
11.06.08

Recent Developments In Airport Litigation
September 2008

Airline Bankruptcy Issues
May 2006