

# PILOT'S BILL OF RIGHTS

SIGNED INTO LAW AUGUST 3, 2012



LAW OFFICES OF

**Jerry H. Trachtman, P.A.**

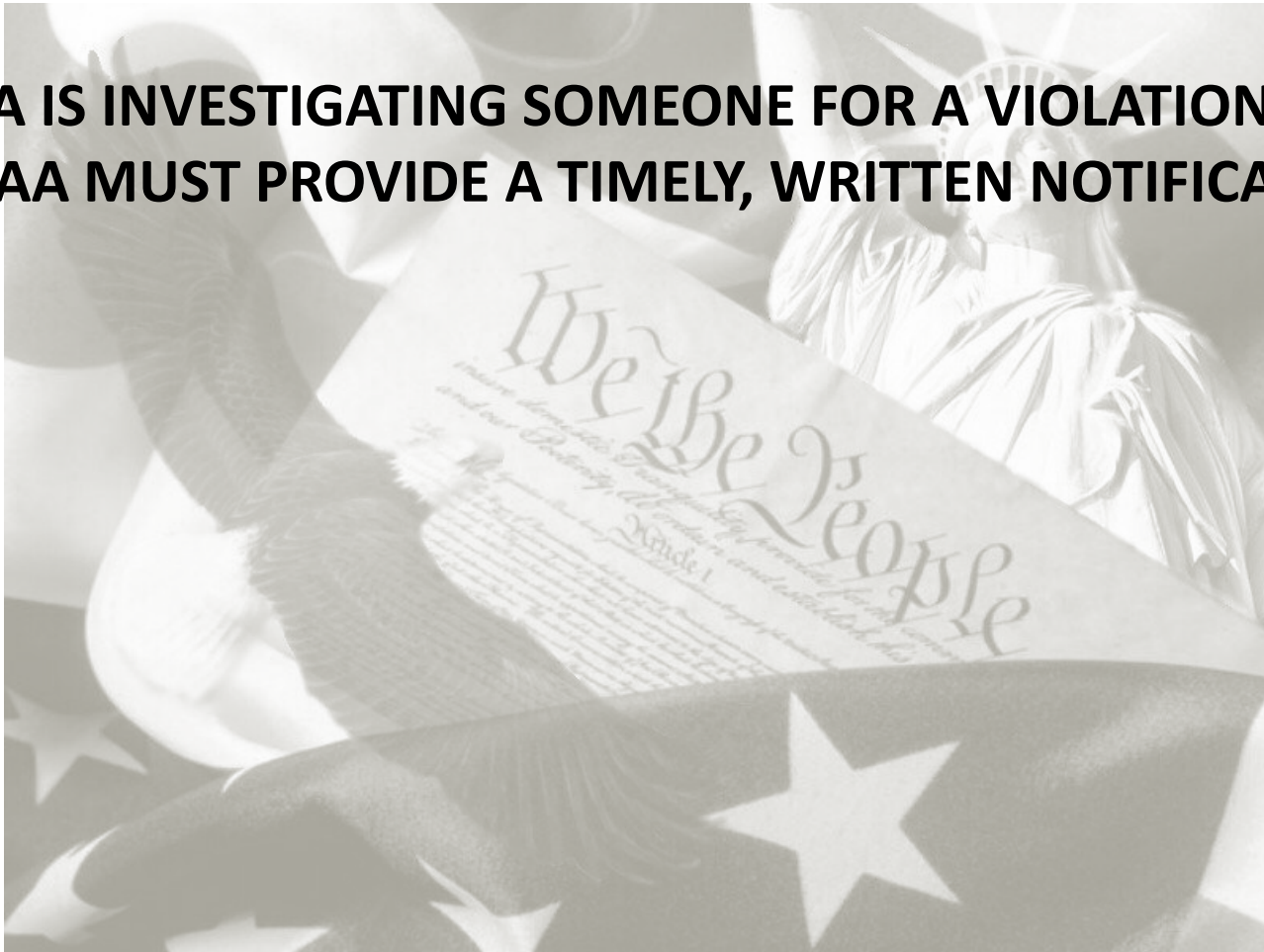
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# PILOT'S BILL OF RIGHTS

THANK YOU SENATOR JIM INHOFE AND CONGRESSMAN SAM GRAVES

IF THE FAA IS INVESTIGATING SOMEONE FOR A VIOLATION OF REGS,  
THE FAA MUST PROVIDE A TIMELY, WRITTEN NOTIFICATION:



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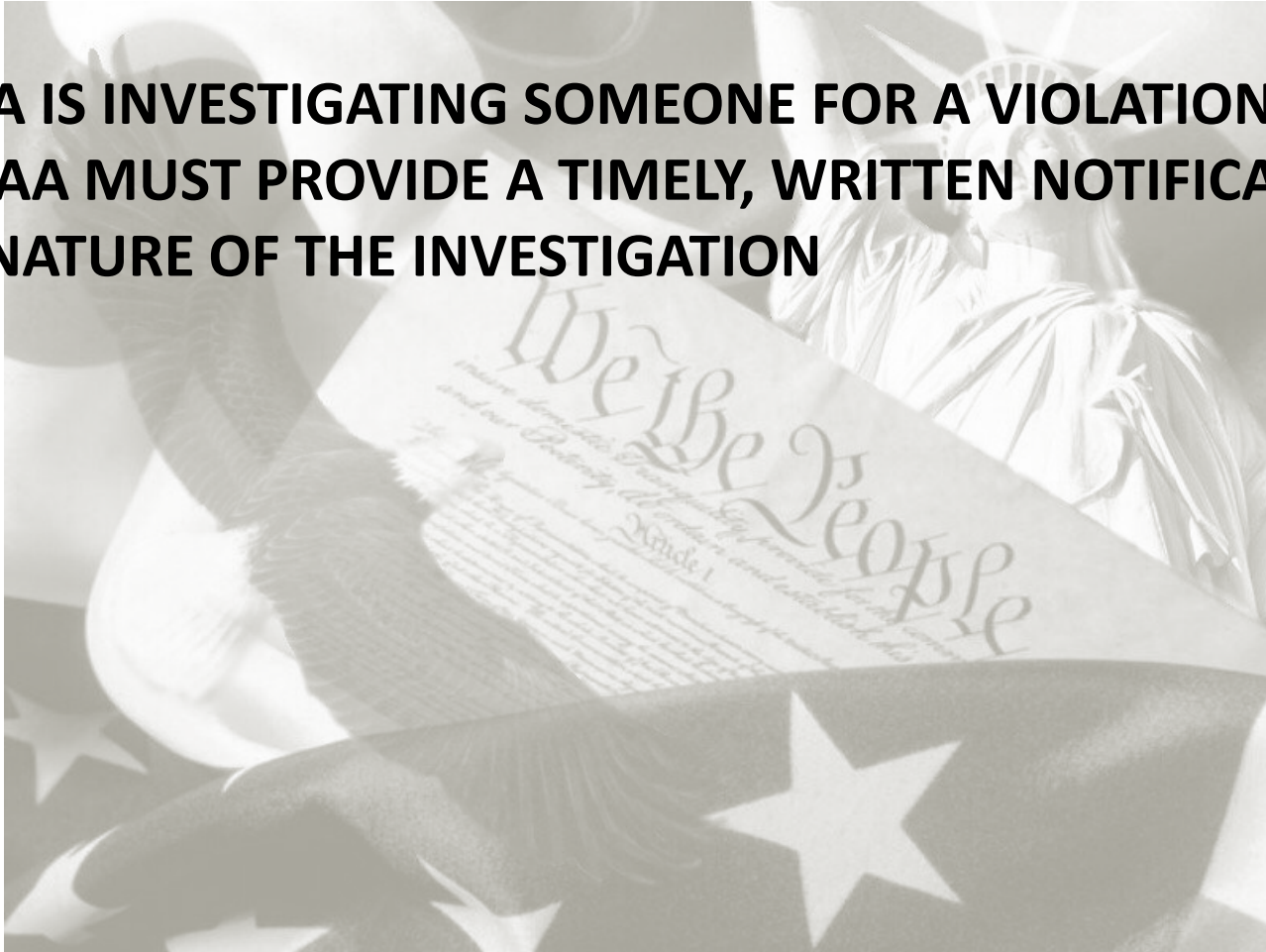


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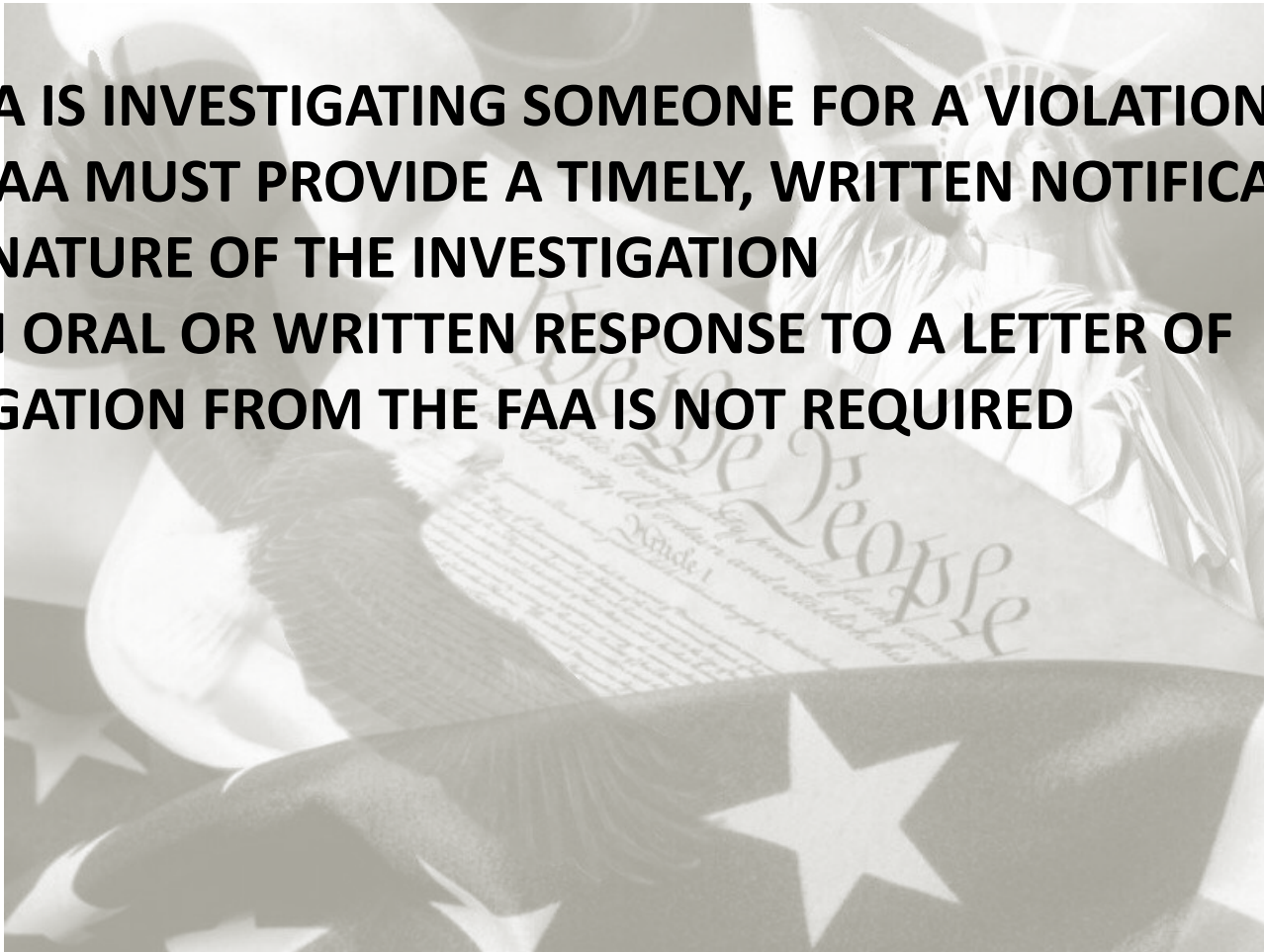


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- THAT ANY RESPONSE TO AN LOI OR TO INQUIRIES FROM AN INVESTIGATING FAA INSPECTOR CAN BE USED AS EVIDENCE AGAINST THE INDIVIDUAL

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- THAT THE INDIVIDUAL IS ENTITLED TO TIMELY ACCESS TO ATC DATA THAT WOULD ASSIST IN DEFENDING AN ENFORCEMENT ACTION

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**BEFORE: THE JUDGE IN AN FAA ENFORCEMENT TRIAL WAS REQUIRED TO DEFER HIS OWN JUDGMENT AS TO INTERPRETATION OF APPLICABLE REGS AND LAWS TO WHATEVER THE FAA WANTED UNLESS THE FAA INTERPRETATION WAS HELD TO BE "ARBITRARY, CAPRICIOUS, OR OTHERWISE NOT ACCORDING TO LAW."**

**RESULT: FAA WINS**

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**RESULT: FAA WINS**

**NOW: THE JUDGE IS FREE TO APPLY HIS OWN INDEPENDENT EVALUATION AND COMMON SENSE TO THE INTERPRETATION OF REGS AND LAWS INVOLVED IN THE CASE**

**RESULT: A LEVEL PLAYING FIELD**

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**BEFORE: THE TRIAL JUDGE IN AN ENFORCEMENT ACTION IS AN NTSB ADMINISTRATIVE LAW JUDGE. IF A PILOT WANTED TO APPEAL THE JUDGE'S DECISION, THE APPEAL WAS TO THE NTSB ("THE FULL BOARD"). UNFORTUNATELY, THIS BECAME A RUBBER STAMP OF DECISIONS IN FAVOR OF THE FAA. APPEAL OF THE FULL BOARD'S DECISION WAS A VERY LIMITED REVIEW BY A U.S. CIRCUIT COURT OF APPEALS, AND WAS NEARLY IMPOSSIBLE TO WIN**

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**NOW: A DECISION OF THE FULL BOARD CAN BE APPEALED TO THE U.S. DISTRICT COURT (THE FEDERAL TRIAL COURT). THE DISTRICT COURT MUST PROVIDE A FULL, INDEPENDENT REVIEW OF ALL THE EVIDENCE, TRIAL TESTIMONY, EXHIBITS, DECISIONS, BRIEFS IN THE CASE**

**RESULT: A MEANINGFUL APPEAL**

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THE NEW LAW ALSO PROVIDES FOR:

- THE REVIEW AND FUTURE IMPROVEMENT OF THE NOTAM DISTRIBUTION PROCESS, WITH THE GOAL OF PROVIDING A SINGLE SOURCE FOR NOTAMS
- THE REVIEW AND FUTURE IMPROVEMENT OF THE MEDICAL CERTIFICATE APPLICATION

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