

AVIATION, AEROSPACE & DEFENSE

OVERVIEW

BCLP's Aviation, Aerospace & Defense Team leverages its deep industry experience and global presence to advise on the issues that are centric to meeting the commercial and legal needs of the aviation, aerospace and defense sector. Consistent with the firm's culture of forging long-lasting relationships, our multidisciplinary team is dedicated to knowing our clients' businesses from the inside so we can deliver tailored legal solutions to an industry that is constantly evolving in response to technology, geopolitics, increasing regulatory pressures, competition and trends in military procurement.

The Aviation, Aerospace & Defense Team is designed to provide a coordinated response to meet the challenges, threats and trends of the sector. We have a strong disputes practice, having counseled on many high-stakes litigation and regulatory compliance issues that are unique to the aviation, aerospace and defense industry. In addition to defending our clients throughout all stages of litigation, our experience also includes conducting accident or incident investigations, as well as assisting our clients through investigations conducted by the National Transportation Safety Board, AAIB (UK), ATSB (Australia), TSB (Canada), CIAIAC (Spain), and BEA (France). Our Aerospace & Defense Team brings industry-specific knowledge and experience to the broad range of legal issues our clients face on a daily basis in the boardroom, at the negotiating table or in strategic planning sessions.

Our attorneys represent companies across the industry and the services their businesses require, including aircraft manufacturers (including Original Equipment Manufacturers); maintenance, repair and overhaul (MROs); aircraft components manufacturers (including avionics, engine, and turbine blade manufacturers); manufacturers and servicers of avionics and other electronics; manufacturers, integrators and operators of intelligence, surveillance and reconnaissance systems; providers of contractor logistics services; manufacturers of armored vehicles, armor systems and personal armor; providers of detection and security services; manufacturers and distributors of firearms, appurtenant systems and munitions; airport authorities; as well as private and financial investors in the industry.

RELATED PRACTICE AREAS

- Government Contracts & Public Procurement
- National Security

- Data Privacy & Security
- Transport & Asset Finance

EXPERIENCE

CORPORATE

The mission of our Aerospace & Defense Corporate Team is to provide clients with trusted advisers who understand the complexities of operating in an extremely competitive, highly regulated industry, from the executive suite to the employees in the field or factory. Through this approach, our aerospace and defense clients benefit from advice that considers their present and future business as a whole.

BCLP attorneys have extensive experience working closely with clients on acquisitions and divestitures, corporate structuring, domestic and international growth strategies, corporate governance, drafting and negotiating commercial contracts, and financial restructurings. Our team regularly works with and understands the legal issues and regulations the aerospace and defense industry must navigate in order to succeed in both day-to-day operations and large, strategic initiatives. We understand the sensitive environment in which our clients operate and invest in building collaborative relationships with our clients' legal and business units to achieve those goals.

By understanding our clients and their industry, we are able to deploy cross-disciplinary teams to efficiently and effectively meet corporate, commercial and transactional demands. Whether it involves the establishment of complex corporate and employment structures to support compliant international operations or structuring mergers and acquisitions in a manner that protects business-critical facility clearances to secure the approval of the Committee on Foreign Investment in the United States (CFIUS), our Aerospace & Defense Team has extensive experience advising clients to balance their domestic and international commercial and legal concerns. The Aerospace & Defense Team has advised clients on a broad range of inbound and outbound international projects across the Middle East, Europe, Asia, South America and Africa.

REGULATORY

BCLP's Aerospace & Defense Team boasts a strong regulatory practice that is vital to ensuring our clients remain compliant, especially in the current environment of increasing enforcement actions and new regulations. We regularly counsel clients on compliance with the FCPA, UK Bribery Act, Export Administrations Regulations, International Traffic and Arms Regulations, Office of Foreign Assets Control sanctions programs, Combatting Trafficking in Human Persons and antiboycott laws. Our practice in Europe regularly provides advice regarding EU and member state export controls and sanctions. Additionally, we work on personnel and facility clearances before the

Department of Defense of Hearing and Appeals (DOHA), the Energy Department and the intelligence community.

The Aerospace & Defense Team's regulatory practice has a long history of working side-by-side with our corporate and litigation teams to develop solutions and strategies that fully consider the sensitive regulatory framework of the industry. Our regulatory team is an integral part of any transaction, whether it is an acquisition, divestiture, commercial supply agreement, or establishment of foreign offices in new areas of operation.

We also represent aerospace and defense clients in enforcement matters, including preparation of voluntary disclosures, representation of parties in civil and criminal enforcement actions, and government contracting fraud investigations. Additionally, as a firm that values and invests in our relationships, our regulatory team assists clients with proactive measures to mitigate the risk of compliance concerns. We regularly work with clients to develop and implement comprehensive compliance programs that address multiple topics, including anti-corruption, export controls, trade sanctions, antiboycott and cyber-security.

COMPLEX COMMERCIAL LITIGATION

In addition to our four decades of experience handling product liability litigation for aviation clients, our Aerospace & Defense Team also has experience litigating complex commercial disputes. These disputes involve all manner of commercial claims, such as breach of contract, breach of warranty and a variety of business torts. With intellectual property being an integral component of the industry, our litigation team has extensive experience handling high-stakes litigation involving trade secret claims from the plaintiff and defense side, such as materials composition in missiles and methods to shield vehicle gas takes from IEDs in the field. Our litigation team also has deep experience advising plaintiffs and defendants in the aerospace and defense industry on antitrust claims, in cases ranging from extension or enforcement of patent rights to relationships between aircraft engine manufacturers and those involved in aftermarket parts and service. As partners to our clients, our litigation team is also highly experienced working with clients on issues impacting their day-to-day business, including tortious interference with contract, negligent misrepresentation, fraud in the inducement, as well as supplier and distributorship disputes. Whether it is high stakes or an ordinary course dispute, the Aerospace & Defense Litigation Team is adept at navigating clients to a commercial resolution.

RELATED INSIGHTS

Awards

Oct 04, 2023

The Legal 500 UK ranks BCLP in 54 practice areas and recognizes 74 lawyers as “leading individuals”

Insights

Apr 01, 2022

Continued Expansion of U.S. Sanctions, Export Control Measures Against Russia

Insights

Jul 08, 2020

CORSIA: How it works and issues for discussion

Insights

Apr 09, 2020

Hong Kong Government reaches out to help businesses stay afloat

Hong Kong Government has issued a further round of financial relief worth HK\$137 billion (US\$17.5 billion) to help Hong Kong combat the impacts of COVID-19. This blog explores two key initiatives, namely (1) the Employment Support Scheme (announced on 8th April 2020); and (2) SME Financing Guarantee Scheme (announced on 26th February 2020). It also summarises other relief measures announced on 8th April 2020 which may be of interest to our clients with businesses in Hong Kong in particular in aviation, real estate, construction, tourism, hospitality, F&B and the financial services sector.