

GOODRICH AND THE RECENTLY ISSUED RULING ON THE UNLIMITED LIABILITY OF AIRLINES IN MEXICO

Summary: Considering the recent amendments to the Mexican Constitution, the Supreme Court of Justice ruled that concerning human rights, certain provisions of the aeronautic legislation violates passenger's human rights by limiting the liability of airlines. As a result of this, it was established that the indemnity must be in an amount sufficient to obtain a fair and satisfactory integral restoration in order for the individual affected may meet his needs.

Goodrich's Litigation Practice on Aeronautic and on Reassurance Law has been one of the most internationally renowned areas of the firm. In this respect, it is important to highlight the role of two partners of said area, Jorge León Orantes and Maribel Trigo who have handled cases of some of the most significant aeronautical accidents in the history of the country; same which caused total losses to airlines such as MEXICANA, ALLEGRO and WESTERN AIRLINES, amongst others.

It is in this context that the resolution recently issued by the Supreme Court of Justice in a case handled by GOODRICH for about one decade in respect of the legal regime on the quantitative limitation of liability of air carriers in case of injuries to or death of passengers has triggered the most important judicial debate in the history of Mexican Aeronautical Law.

Upon conducting a detailed analysis from a constitutional standpoint pertaining to human rights, and upon contrasting through a comparative approach the rationale in different jurisdictions –in particular, in the European region– which have incorporated the 1999 Montreal Convention on the subject matter, the Mexican Supreme Court followed the international community in extending into the domestic legal regime the criterion of unlimited liability in case of injuries to or death of passengers established in such Montreal Convention. Considering this, from now on the guidelines to quantify the referred amount will aim a fair and satisfactory integral restoration of the affected passenger –or heirs–, subject to the materiality of each case, substituting the traditional Mexican legal regime on limitation of liability of the air carrier.

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Undoubtedly, the significance of the above ruling will constitute a milestone not only in the aeronautical legal regime but in other modes of passengers' transportation in Mexico. By handling important cases, as the above referred recently ruled by the Supreme Court of Justice, GOODRICH contributes with the continued formation of Mexico's legal system.