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## CHAPTER 183 RESPOND TO LEGAL REQUEST FOR DEPOSITION OR APPEARANCE IN COURT TRIALS AND FORMAL HEARINGS

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### Section 1 Background

#### 1. PTRS ACTIVITY CODE: 1743

**3. OBJECTIVE.** This task provides guidance to the inspector on how to prepare to give testimony in court or at a hearing and for giving depositions.

#### 5. GENERAL.

##### A. *Definitions.*

(1) Deposition: A written statement made under oath that may be used in court.

(2) Hearing: Judicial investigation or trial before a court.

(3) Appearance: To be present in court either personally or through an attorney.

(4) Subpoena: A legal document requiring a person to provide evidence and/or testimony on matters under investigation.

**B. Coordination.** The inspector may be called upon to give testimony in any number of situations, such as accident/incident investigations, enforcement cases, civil cases, criminal cases, etc. In all these cases, the inspector shall coordinate with the regional operations branch and/or regional legal counsel.

**C. Preparation for Formal Proceedings.** It is recommended that the operations inspector prepare for the formal proceeding by developing a qualifications statement which substantiates the inspector's appearance as an expert witness. The inspector should also review any written statements (given by witnesses or prepared by the inspector) and the inspector's notes, memoranda, etc., made during the investigation. A complete qualifications statement would include:

- (1) Inspector's full name
- (2) Address
- (3) Years of aviation experience
- (4) Type of experience

(5) Term of employment with the FAA

(6) Outline of inspector's major duties

(7) FAA certificates held

(8) Any additional qualifications

**D. Demeanor.** The inspector should appear for the proceeding promptly and with the reference material in hand. The following guidelines are useful for presenting expert testimony:

(1) All questions should be answered briefly and concisely with "yes" or "no" and without elaboration whenever possible.

(2) Upon questioning, the inspector should pause briefly so that inspector's counsel has time for comment.

(3) The inspector should be certain that the questioner has completed the question before answering and should not anticipate the question.

(4) It is best to be certain that the question was fully understood before answering. If it was not, a repetition or re-phrasing of the question is appropriate.

(5) The inspector shall not offer personal opinions unless requested by counsel to do so.

(6) Whenever using technical terms, the inspector should speak more slowly in order to be understood and avoid the use of acronyms or jargon such as, "FSDO," "PIC," etc.

(7) If uncertain of the answer, the inspector should acknowledge insufficient knowledge or expertise to answer the question.

(8) The inspector shall not engage in disputation with the opposing attorney.

(9) If important information comes to mind while testifying, the inspector should inform counsel after giving testimony.

(10) All pertinent reference material should be readily available.



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## Section 2 Procedures

### 1. PREREQUISITES AND COORDINATION REQUIREMENTS.

A. **Prerequisites.** This task requires knowledge of the Federal Aviation Act of 1958, knowledge of the FAR appropriate to the nature of the occurrence, knowledge of the appropriate investigative report (Accident, Incident, Enforcement, etc.), and qualification as an Aviation Safety Inspector (Operations).

B. **Coordination.** This task requires coordination with the appropriate Regional Office Operations Branch, the Regional Office Legal Counsel, and possible coordination with the National Transportation Safety Board (NTSB).

### 3. REFERENCES, FORMS, AND JOB AIDS.

#### A. References.

- FAR Parts 1, 9, and 13, as well as all FAR relevant to the area of violation
- FAA Order 2150.3, Compliance and Enforcement Program
- FAA Order 8020.11, Aircraft Accident and Incident Notification, Investigation and Reporting
- Federal Aviation Act of 1958, as amended

#### B. Forms.

- FAA Form 1360-33, Record of Visit, Conference, or Telephone Call

- FAA Form 8000-6, PTRS Transmittal Form

#### C. Job Aids.

- None

### 5. PROCEDURES.

A. **PTRS.** Open PTRS upon notification to respond.

B. **Preparation.** Upon notification to give a deposition or testify in court, prepare as follows:

(1) Review the background information in any associated report.

(2) Review applicable FAR, Orders, or Handbooks.

(3) Meet with Regional Counsel for preparation.

(4) Prepare a Qualification Statement. (See Section 1, paragraph 5C(1) through (8) of this chapter.)

C. **Formal Proceedings.** Appear for deposition or hearing.

D. **PTRS.** Complete a PTRS transmittal form after appearance.

**7. TASK OUTCOMES.** As a result of this task the inspector is prepared to give testimony and may appear for a deposition or hearing.

**9. FUTURE ACTIVITIES.** The inspector may be recalled for additional testimony or deposition.

