

CASE STUDY

PIPER PA-38

TOMAHAWK

Aviation Accident

Private flight - England

20 August 2014

On 20 August 2014, the PA-38 aircraft was flying in the vicinity of the town of Buckingham when it entered a spin from which it did not recover, and crashed to the ground. The pilot, who was the only occupant, sustained fatal injuries in the impact.

In the report by the Air Accident Investigation Branch (AAIB) they noted that the weather conditions were good and that there was no indication of any mechanical defect with the aircraft. However, the report emphasises some unusual actions of the pilot, which included him flying in large circular patterns for an hour, a text message by the pilot to a relative saying he was out of control and going down then, over 2 minutes later, the pilot transmitted a Mayday saying the aircraft was in a spin.

Jim analysed the accident report and concluded that due to the lack of a flight data recorder (FDR) and cockpit voice recorder (CVR) there were a number of scenarios that could have caused the accident that the AAIB had not identified. Firstly, the PA-38 is an aircraft that has aggressive aerodynamic stall and spin characteristics, meaning that if a pilot inadvertently flies too slow and causes an aerodynamic stall, this could rapidly result in a spin with very high rates of descent, which would be very hard to recover from at the height the accident aircraft was being flown. In addition, as there was impact damage to engine components, including the carburettor, Jim was of the view that a loss of engine power which contributed to a loss of speed could not be ruled out.

Due to Jim's professional experience as a pilot and his expertise in complicated aviation Inquests, the family of the pilot instructed him to represent them at the Inquest. The life insurers instructed a Queens Counsel for the Inquest and they vigorously argued that the verdict should be suicide. The hard fought Inquest lasted eight days, and the witnesses included four experts from the AAIB, an independent aviation expert for the family, and an independent aviation expert for the insurer. Jim conducted the detailed advocacy for all the aviation expert witnesses and following the answers that he obtained, which included the expert for the insurer changing his opinion and agreeing with Jim that a loss of engine power due to carburettor icing could have been a cause of the accident, and legal submissions on the

verdicts that should be available to the jury, the Coroner ruled that there was not sufficient evidence to consider suicide as a possible verdict.

As such, the insurers failed to achieve a suicide verdict and the jury recorded a narrative verdict which said that the evidence did not sufficiently prove exactly why the aircraft entered its fatal spin.

Following this Inquest verdict, the family succeeded in their claim against the insurers.

[Jim Morris \(Link to Jim profile\)](#)

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Jim specialises in representing the victims of international air accidents. He was a professionally qualified Royal Air Force pilot prior to becoming an aviation lawyer, and has over 28 years' experience in aviation and litigation.