

**NEW YORK STATE BAR ASSOCIATION
ENTERTAINMENT, ARTS & SPORTS LAW SECTION**

Executive Committee Meeting – October 11, 2018

**Pryor Cashman
7 Times Square
New York, New York 10036**

Minutes of EASL EC Meeting

Attending in Person: Anne Atkinson, Ethan Bordman, Diane Krausz, Anne LaBarbera, Steven Rodner, Robert L. Siegel, Barry Skidelsky and Carol Steinberg.

Attending by Telephone: Ronald J. Coleman, Judith Prowda, Shannon Zhu, Esq. , Steven H. Richman, Pamela Jones , Ben Liebman, Jason Baruch , Kristin G. Garris, Jared Leibowitz, Brian D. Caplan, Erica M. Hines, Paul V. LiCalsi, Brian J. Malkin, Elissa Hecker , Mary Ann Zimmer, Innes Smolansky, Rosemarie Tully , Brian Caplan, Lisa Willis

1. Welcome. Barry Skidelsky (EASL Chair) called the meeting to order at 12:40 p.m., and he welcomed everyone in attendance. The meeting started about 10 minutes late due to technical difficulties in setting up the conference call. Barry then asked attending EC members to introduce themselves, and he reminded those attending by phone to confirm their attendance by sending an email to Kristina Maldonado at NYSBA.

2. Approval of Minutes. Barry asked if there were any comments on the minutes from the last EASL EC meeting held on September 13, 2018. The minutes were unanimously approved.

3. Chair's Report.

3.1 New EASL EC Member-At-Large. Barry reported that he has appointed Jared Leibowitz as an EASL Executive Committee Member-At-Large. Barry and the other EC members welcomed Jared, who had previously worked for BMI and served as its liaison to EASL in connection with the Phil Cowan memorial scholarship. Jared said that he looked forward to working again with EASL, adding that he is currently employed as General Counsel for Vydia (a content aggregator).

3.2 Phil Cowan Memorial Scholarship. Barry reminded the EC that EASL will continue to award two scholarships each in the amount of \$2,500 (i.e., a total of \$5,000), but BMI is only contributing \$2,000 this year. This year's deadline for writing competition submissions is December 1st. Barry asked Kristina Maldonado to make sure that the EASL/BMI Cowan Scholarship is listed online (including not only the EASL website, but also the NYSBA website under scholarships and awards) and is otherwise appropriately promoted or marketed.

3.3 Marketing by NYSBA of EASL CLE Programs.

Barry noted that he received several complaints about NYSBA's marketing of

EASL's Fall Meeting scheduled for October 18 (including that the meeting was not listed in the NYSBA online CLE calendar), resulting in a low number of registrants to date. Details of problems with NYSBA's marketing of this particular program were tabled for further discussion about the Fall Meeting itself (see section 5.1 of these Minutes below).

To help address recurring problems relating to poor marketing by NYSBA of EASL CLE programs in general, Barry suggested that a conference call might be arranged among himself, Rosemarie Tully, Steve Richman, any other willing EASL EC member, with Brian Malkin (Chair of NYSBA's Food Drug and Cosmetic section, co-sponsor of EASL's Fall Meeting), as well as representatives from NYSBA's section caucus, meetings and CLE departments, in order to discuss how section programs are and should be marketed to members. Rosemarie said she would work on arranging or coordinating that call.

Brian then suggested that the NYSBA website landing or home page should more easily show all upcoming NYSBA events in chronological order, rather than segregate section CLE programs and NYSBA CLE Department programs. He shared additional concerns, such as problems with NYSBA website navigation and linking to registration pages. Brian also said that he previously sent an email to NYSBA's CLE Committee regarding these and related concerns, including how the revised current NYSBA marketing system has reduced the number of emails allowed to be sent regarding upcoming section events, the ineffectiveness or pitfalls of NYSBA's dynamic messaging (where a NYSBA member receives one email combining notices relevant to all his or her sections), how the creation of CLE flyers by NYSBA should be discussed with and approved by section chairs before being finalized and distributed, and how NYSBA's external outreach for CLE appears limited (for example, NYSBA could easily provide notice of EASL events to other sections when a particular CLE program deals with topic(s) of likely shared interests, which could help expand marketing and improve attendance).

4. Committee Reports. Barry next asked for EASL committee reports, including if anyone could clarify EASL's sponsorship of two programs which he could not recall being raised or discussed during any EASL EC meeting (i.e., one program is scheduled to be held on October 16 in White Plains, and another will begin on November 7 in the Cayman Islands).

4.1 Fine Arts. Carol Steinberg said she was involved with the October 16 event, "The Artist's Copyright and the Art of its Protection" to be held at Arts Westchester in White Plains. A panel of attorneys will then discuss copyright matters for an audience of working artists, including copyright creation, registration and infringement. Carol will report on this event at the next EASL EC meeting.

4.2 Litigation. Paul LiCalsi said that he and Brian Caplan will be speakers at "The 30th Annual North American Law Summit" to be held at Westin Grand Cayman Resort and Spa from November 7 to 11. This CLE program, produced by the North American Entertainment Law Association (NAELA) along with other bar associations or lawyers in Georgia and Florida, will address various entertainment, intellectual property and sports law issues. Rosemarie Tully added that she recalled EASL previously lending its name to this event years ago.

Barry then expressed several concerns related to EASL's Chair or EC not being informed of this destination program, including EASL not being listed as a program sponsor on the summit's web page and missed opportunities to co-promote our respective 30th anniversaries or to solicit new members (among other opportunities) for EASL. Barry suggested that Paul and

Brian should please try to help EASL become more involved with these other organizations. Paul will report on this at the next EASL EC meeting.

4.3 Diversity. Anne Atkinson reported that EASL's Diversity Committee and the Black Entertainment and Sports Lawyers Association (BESLA) co-sponsored an event titled "How I Got My Start" which was held on September 27th. Designed to provide practical career advice for young lawyers interested in entertainment and sports, the event was well received with about 40 people attending. A post-event networking reception was also held.

4.4 Law Students. Anne Atkinson then suggested that someone should take over for Jason Aylesworth, who had stepped down as chair of EASL's law student liaisons. Ann noted that having law student liaisons are important for several reasons, including not only for the near-term help they can provide to EASL, but also for the long-term help they receive while being involved with EASL as they grow into their careers.

Lisa Willis volunteered to be the new student liaison chair. Barry thanked Lisa for stepping up and asked her to reach out to Judith Bresler in order to obtain a list of the law schools that EASL works with in connection with the BMI/Phil Cowan Scholarship. Kristina added that the Young Lawyers Section also has two liaisons to EASL.

4.5 Pro Bono Committee. Elissa Hecker reported that the Pro Bono committee will be having an event on November 8th about Immigration and the Arts. It will be a full day program, and the committee is also asking for immigration attorneys to volunteer.

4.6 EASL Journal. Elissa also reported that the upcoming 30th anniversary issue of the EASL Journal will likely be published in mid-November. Elissa thanked all the authors for their submissions. She also reminded everyone that in addition to the Journal's publication of articles written by the two Cowan scholarship winners, law students have other opportunities to write for the EASL Journal and Blog through our Law Student Initiative, which is open to all law students who are EASL members.

4.7 Membership. Barry added that law students may be eligible for free membership in both NYSBA and EASL through NYSBA's Pathways program, although he was not certain whether that Pathways program will continue in 2019 considering the financial and membership difficulties that NYSBA has been facing. Barry asked Kristina to check on that, and to please make sure that extra copies of the EASL Journal along with EASL brochures or pamphlets, are made available at all EASL events in order to help us recruit and retain section members.

Barry also reported that although EASL had 1,503 members in January 2018, as of October 1 this year section membership fell to 1,446. NYSBA's goal for EASL membership by December 31 is 1,579. In addition to any current membership initiatives, Barry urged every EC member attending any EASL event to please solicit new section members from among other event attendees. He also reminded the EC that if EASL can raise the number of its members to at least 1,500 by the end of 2018, EASL will then continue to have two section delegates to the NYSBA House of Delegates in 2019.

4.8 Motion Pictures. Bob Siegel reported that the Motion Pictures committee plans to hold a committee lunch/brown bag meeting in early or mid-November, at which an estimated 20-30 attendees might hear a CPA speak about tax updates. Barry suggested that Bob reach out to NYSBA's tax section to cross-market that event. Bob will report on this at the next EC meeting.

5. Programs and Events. Discussion then turned to other currently scheduled EASL programs.

5.1 EASL Fall Meeting.

Barry reminded the EC that EASL's Fall Meeting is scheduled to take place at the offices of Arent Fox on October 18th, from 2:30pm – 5:30pm, with a networking reception with food and drinks to follow from 5:30pm – p.m. The program is titled “Sports, Drugs and Rock n’ Roll” and features two panels. The first panel, which is co-sponsored by the Food Drug and Cosmetics Committee (Brian Malkin, Chair), will address the intersection of sports and drugs. The second panel will address the legal fallout of the Me Too movement, including scandals or morals clauses, confidentiality agreements and inclusion riders.

Barry also reported that, as of today's EC meeting, this event has only 34 registrants. Discussion returned to problems associated with NYSBA's marketing and promotion of EASL's Fall meeting. For example, NYSBA initially sent members an email late, with an incorrect date, and an incorrect (i.e. higher) price for this event. Brian also noted that the fall meeting is still not listed on the NYSBA upcoming events calendar, nor is it even listed on the EASL landing or home page. Pamela Jones said that several people contacted her with problems regarding their attempts to register for EASL's Fall meeting. Mary Ann Zimmer added that when she first tried to register the system was not then working, although it was working a few days later when she tried again.

Kristina Maldonado then said that in response to some of the concerns being discussed now she updated EASL's homepage while today's EASL EC meeting was in progress, and she sent an email to the CLE Department to ask if EASL's Fall Meeting could be added to the CLE calendar. Kristina also explained that the CLE tab on the NYSBA website only lists events produced by the NYSBA CLE Department, while the Events calendar is supposed to include events produced by sections and the CLE Department.

Kristina Maldonado added that the next date an email blast could be sent by NYSBA to market EASL's Fall meeting (to be held on October 18, literally one week from today) would be on Monday October 15th. She hoped that would help increase the number of registrants (only 34 as of today). Kristina also noted that NYSBA prefers to have two weeks elapse between email blasts for any section event.

The consensus among the EASL EC was that NYSBA needed to do much more to help EASL and the other sections market and promote membership as well as attendance at all section events.

5.2 Music Business Law Conference. Rosemarie Tully reported that this day long annual event will be held on November 16th at New York Law School. Eight panels are in place, and the program planning committee is still working on securing a keynote speaker. With only

one month to go for this event, as of today only 41 people have registered. Again, discussion ensued that NYSBA needs to do much more to help its sections and members.

5.3 EASL 2019 Annual Meeting.

Barry reminded the EASL EC that the upcoming NYSBA annual meeting week has been moved up one week earlier than previously scheduled, with meetings to be held at the New York Hilton during the week of January 14 through 18, 2019. The **EASL annual meeting will take place on Tuesday January 15th**. The CLE program will address, in two parts, underlying rights and ethics; and, it will be followed by a joint networking reception with the IP section.

Carol Steinberg added that the underlying rights part of the program will consist of two panels, one focused on transactions and the other on litigation. The annual meeting program planning committee plans to hold a conference call on October 17 to flesh out topics and speakers.

Jason Baruch volunteered to be one of the panelists.

5.4 Commercial Theater Institute. Jason Baruch also reported that the forthcoming annual EASL/CTI event will be held on March 27 & 28 in 2019. Details TBD.

6. Other Initiatives.

6.1 Other Programs. No other EASL programs are currently scheduled.

7. Adjournment. Upon motion unanimously approved, this EC meeting was adjourned at 2:10 p.m. The next EASL EC meeting will be on Wednesday November 28th at Pryor Cashman.

Respectfully submitted,

Ethan Bordman (EASL Secretary)