

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

Executive Committee Annual Meeting – January 15, 2019

**Hilton Midtown
1335 6th Avenue
New York, New York 10019**

Minutes of EASL EC Meeting

Attending in Person: Anne S. Atkinson, Jason P. Baruch, Judith B. Bass, Ethan Y. Bordman, Judith Bresler, Brian Caplan, Cheryl L. Davis, Joyce Dollinger, David H. Faux, Joan Faier, Leslie Greenbaum, Elissa D. Hecker, Marc Jacobson, Pamela Johnson, Kathy Kim, Diane F. Krausz, Anne LaBarbera, Christine-Marie Lauture, Bennett Liebman, Paul V. LiCalsi, Judith B. Prowda, Sarah Robertson, Stephen B. Rodner, Robert Seigel, Andrew Seiden, Judah S. Shapiro, Barry Skidelsky, Rosemarie Tully, Barry Werbin, Lisa Willis, and Mary Ann Zimmer.

Attending by Telephone: Erica Hines, Donna Frosco, Jared Leibowitz, Irina Tarsis, and Kathleen Wu.

1. Welcome.

Barry Skidelsky (EASL Chair) called the meeting to order at 12:00 p.m., and welcomed everyone attending. He then stated he would be passing around a contact list of Executive Committee members, including Officers and Committee Co-Chairs, containing their mailing address, email, phone numbers and names of their respective law firms or companies. He asked those present to please confirm or update their appropriate contact information. He also asked those attending by phone to confirm their attendance at today's meeting by sending an email to Kristina Maldonado at NYSBA. Barry suggested that, *for all future EASL EC meetings, those planning to attend by telephone please notify Kristina in advance by 5pm the day before -- not only for security and catering purposes, but also to help facilitate a complete and accurate roll call of attendees.*

2. Approval of Minutes.

Barry asked if there were any comments to the minutes from the last EASL EC meeting, which was held on November 28, 2018. The minutes were unanimously approved with a few minor changes.

3. Chair's Report.

3.1 EASL's 2019 Budget. Barry reported that EASL's proposed budget for 2019 was approved by NYSBA without any changes. He then asked Lisa Willis, EASL's Treasurer, if she had yet received from NYSBA the 2018 year end financial statements for EASL. Lisa said she had not, so discussion of the 2018 year end financial statements was deferred until after they are made available. Anne Atkinson suggested that the EC should consider ways of using our surplus.

3.2 Membership. Barry reported that, in general, the NYSBA membership retention rate is about 60%. He added that as of early December 2018 EASL has 1,475 members, and that the section needs at least 1,500 members to maintain having two representatives from the section to NYSBA's House of Delegates. Barry reminded the EC members to do whatever they could to help achieve goal, noting that Law Students **do** count toward our membership in that regard. Barry said his understanding was that the NYSBA drop date for the renewal of memberships for this year is no sooner than the end of February 2019. Les Greenbaum suggested that to increase membership in EASL, we should also work with the Intellectual Property (IP) section to encourage cross membership in both sections as our respective practice areas do overlap. Pamela Jones added that it costs only \$35 to join our section if a person is already a member of the NYSBA, which should make it much easier and more affordable to persuade an existing NYSBA member to join EASL rather than to persuade a non-NYSBA member to join both the association and our section.

3.3 Engagement and Committees.

Barry next raised EASL's new Engagement Guidelines, which were circulated to all EASL EC members. The Guidelines contain specific recommendations for the EASL EC and committee co-chairs to help develop a more engaged and active section membership, as well as to give leadership opportunities to other section members.

For example, the Guidelines provide that an EC member who does not attend three consecutive EC meetings without notice of good cause may be subject to removal from his or her position. In addition, there should be no more than two co-chairpersons per committee, with a limit of no more than three consecutive years for chairing a committee.

Each committee now has a budget of \$750 per year (which may be increased upon request of the committee co-chairs) which should be used for committee purposes, including as follows.

Each committee is encouraged to hold at least four events per year (i.e., one per quarter-year), consisting of one or more different types of programs or events such as: a CLE program, a committee brown bag lunch or breakfast meeting, and regular committee meetings (by telephone conference call and/or in-person) including one in-person meeting to be held at and just before our section's annual meeting CLE program (the Fine Arts committee had a full table of members at its meeting earlier this morning). Social or networking events (whether with or without a CLE component) are also encouraged, as are developing and holding programs and events outside of New York City in order to better serve all EASL members.

The emphasis is to have each EASL program or event be an opportunity for section members to become more involved and active, particularly by encouraging physical attendance. Barry noted that the theater committee has combined social and networking events with discounted tickets to attend live shows. He would like to see that concept expanded to include concerts and sporting events at discounted rates for EASL members.

Judy Bass suggested that committee co-chairs poll their members, in part to ask about what days and times are mutually convenient to attend committee meetings, and to ask if they have space available. Elissa Hecker suggested that when a committee holds any meeting, program or event, committee co-chairs should call (and not just email) their members to encourage attendance as it is far easier to ignore emails than phone calls. Elissa added that to encourage members' active participation, committee co-chairs should also more frequently encourage their members to write for the EASL blog (which is open for anyone to post, although the discussion section is only open to EASL members). Mary Ann Zimmer then asked about the number of live attendees at EASL's annual meeting, both in 2018 and 2019. Reportedly, an estimated 80-90 people attended EASL's 2019 annual meeting, with about 75 attendees at our 2018 annual meeting.

3.4 BMI/Phil Cowan Memorial Scholarship. Barry reminded the EC that at EASL's 2019 annual meeting program to be held immediately following this EC meeting, we will be presenting awards to the two law student winners of our Cowan Memorial Scholarship writing completion (another way to get EASL law student members involved), and he then asked Judith Bresler for an update. Judith reported that there were 13 submissions for the 2019 BMI/Phil Cowan scholarship, and that the two winners were both from St. Johns Law School's class of 2020. Their respective papers were titled: *Payola – New Technology, Familiar Deception*, and *Fixation on Flesh: Why Tattoos Should Not Garner Copyright Protection*.

The number of submissions from various law schools were as follows:

- 1 Brooklyn Law
- 1 Columbia
- 1 CUNY
- 2 Fordham
- 2 New York Law School
- 1 University of Buffalo
- 5 St. John's

Elissa Hecker suggested that the section should provide a complimentary membership for students who submit, not just for scholarship winners. Barry agreed and asked Judah Shapiro, co-chair of EASL's Membership committee, to contact students who submitted papers about joining and becoming more involved in the section. Barry also suggested that the contemplated revised EASL website should include *inter alia* a list of expanded eligible law schools and faculty contacts, which could be useful for both scholarship and membership purposes.

4. Committee Reports; Programs and Events Currently Scheduled. Barry then asked if any EC member would like to make a report, including about any scheduled program or event.

4.1 Theater Law Committee. Jason Baruch reported that the forthcoming annual EASL/CTI theater law CLE program will be held on March 27 & 28 at The Theater Center (formerly The Snapple Entertainment Center) located at 1627 Broadway (Broadway at 50th). The program will take place each night from 5:15pm – 9:30pm, and dinner will be served. The program will provide a total of 7 CLE credits (no ethics CLE will be offered). The venue can accommodate up to 130 attendees. An email will be sent out shortly informing members of this program.

4.2 Pro Bono Committee. Elissa Hecker stated that the EASL Pro Bono Committee will be holding a pro bono clinic on February 23rd at Hunter College. All EASL members are encouraged to contact Elissa about participating to help individuals with a variety of legal issues.

4.3 Young Lawyers. Anne LaBarbera said that she will be moderating a panel at today's annual meeting of NYSBA's Young Lawyers section on an "Introduction to Entertainment Law." Barry plans to drop-in at the start to help promote EASL membership.

5. Programs and Events Planned and Proposed.

5.1 EASL Spring Meeting. Barry noted that he had been approached by an attorney at the Bracewell Law Firm about a possible tax law panel for EASL's Spring Meeting, perhaps to be held in March before the general April 15 tax deadline. Barry thought tax might be an interesting topic for EASL members, perhaps including speakers from the NYS Governor's and/or NYC Mayor's respective offices to discuss film and television production tax credits, and possibly supplementing that tax panel with another relating to celebrity estates.

Robert Siegel then mentioned that EASL's Motion Pictures committee was planning on something similar for a committee lunch/brown bag meeting with Fred Seigel, a certified public accountant, who would speak about tax issues in entertainment. Ethan Bordman added that the Motion Pictures Committee also held a meeting before today's EC meeting, which discussed the possibility of having an EASL Spring Meeting panel on digital distribution.

Mary Ann Zimmer suggested that Stan Soocher should be invited to again present his annual entertainment law "year in review," which traditionally has been the first topic of EASL's Spring Meetings held each May. Further discussion of EASL's Spring Meeting was tabled until the next EC meeting.

5.2 South by Southwest. Rosemarie Tully reported that EASL will be organizing and presenting a panel on Independent Film and Digital Distribution at the SXSW event to be held in Austin Texas this March. Details, including a discount for EASL members to attend SXSW, will be announced at our section's annual meeting to immediately follow this EC meeting.

5.3 Diversity. Anne Atkinson announced that EASL's Diversity committee has several events in the planning stages, and she will update the EC when ready.

5.4 Music Business and Law Conference. Steve Rodner announced that plans are also being made for EASL to hold its annual music business and law conference later this year. Date and speakers TBD.

5.5 Fine Arts. Judith Prowda announced the Fine Arts committee is also working on some events, and she will update the EC when ready.

6. Other Initiatives and New Business

6.1 EASL Website.

Barry Skidelsky shared several ideas he has for improving EASL's website, so that it may be more easily navigated and otherwise made more useful for current and future section members. His vision has three parts.

One part of the EASL website would be available only by EASL EC members (where, for example, one could find EASL EC meeting minutes, a planning calendar, and a list of law school faculty contacts useful for Cowan Scholarship and membership drive purposes).

A second part would be available only to all EASL members (e.g., the online community, a repository of sample agreements among other resources, a membership directory, searchable Journal and Blog posts, and an archive of each EASL program agenda showing topics, speakers, etc.).

A third part of EASL's website would be available to the general public (in key part to make it easier for someone to join our section and to find or register for one of our programs or events, as distinguished from NYSBA CLE Department programs).

Alan Barson said that EASL having an online repository of entertainment law resources and information is a great idea. Mary Ann Zimmer expressed the hope that a revamped EASL website might avoid problems that she recently encountered when attempting to register for today's annual meeting.

Barry asked any EC member interested in working on this project to please contact him, adding that he will follow-up with NYSBA (whose internal IT staff has suffered recent defections) and its Executive Director, Pam McDevitt, who is also interested in improving the association's web site.

7. Adjournment. Upon motion unanimously approved, this EC meeting was adjourned at 12:55 p.m., so members could attend the annual meeting to begin at 1pm. The next EASL EC meeting will be held on February 25, 2019, at Pryor Cashman.

Respectfully submitted,

Ethan Bordman,
EASL Secretary