

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

Executive Committee Meeting – October 23, 2019

**Pryor Cashman
7 Times Square
New York, N.Y. 10036-6569**

Minutes of EASL EC Meeting

Attending in Person: Jeffrey Aber, Anne S. Atkinson, Jason P. Baruch, Judith B. Bass, Ethan Bordman, Joan Faier, Diane F. Krausz, Anne LaBarbera, Steven Rodner, Andrew Seiden, Robert L. Seigel, Barry Skidelsky, Carol Steinberg, Tiffany Tsai and Rosemarie Tully.

Attending by Telephone: Brian Caplan, Cheryl Davis, Donna Frosco, Leslie Greenbaum, Elissa Hecker, Kathy Kim, Christine-Marie Lauture, Richard Lewis, Paul LiCalsi, Ben Lieberman, Dustin Osborne/Joe Hanna, Jill Pilgrim, Steven H. Richman and Barry Werbin.

1. Welcome.

Barry Skidelsky (EASL Chair) called the meeting to order at 12:31 p.m. and welcomed everyone in attendance. He asked that those attending in person to introduce themselves and those attending by phone to confirm their attendance at today's meeting by sending an email to Kristina Maldonado (EASL's liaison at NYSBA) and to Ethan Bordman (EASL Secretary). Barry also introduced Jeffrey Aber, attorney and professor of Sports Law at Pace Law School, who was attending today as an invited guest. Jeff spoke briefly about his background in sports, finance and entertainment law.

2. Approval of Minutes.

Barry asked if there were any corrections to the minutes of the EASL EC meeting held on September 11, 2019. Two small corrections were noted, and Ethan Bordman (EASL Secretary) will make the appropriate updates. Barry then asked for approval of the September 11 minutes, which were approved unanimously.

3. Chair's Report.

3.1. EASL Fall Meeting

Barry reported that the EASL Fall Meeting (held on October 17) -- which focused on entertainment finance and was titled "Money In, Money Out – Deal Terms and Waterfalls" -- was both well attended (with approximately 70 attendees) and well received, with several commenters saying that this was the best EASL Fall Meeting ever! Barry thanked the attendees, the speakers, and UBS who sponsored the CLE program and networking reception event and who provided event space at their offices in the Met Life building above Grand Central (the result of a connection made by EASL's Jill Pilgrim, who Barry also thanked). Among the highlights of the event (which

inter alia paired a series of legal and business experts by entertainment sector) was the father/son speaking duo of EASL's theatre law committee co-chair Jason Baruch and his theater producer father Steven -- which was the first time that an EASL event featured a father and son as speakers.

3.2. EASL Succession and Growth

Barry noted that his two year term as EASL Chair will end in January 2020. The EASL EC's Nominating Committee (which consists of prior section chairs, and which is helmed by Diane Krausz as the most recent section chair before Barry) is working on a slate of new EC officers and section leaders to recommend for formal approval at our next EASL EC meeting. The formal recommendation of 2020-2022 new EC officers and section leaders to be approved by the EC will be followed by voting of the EASL membership who attend our annual meeting next January. Barry reminded us that the EASL EC consists of the section's Chair and other officers, committee co-chairs, at-large-members and district representatives.

3.3 Committees and Co-Chairs.

Barry then went thru the current list of committees and co-chairs, with a view towards verification and updating as noted below. Barry reminded the EC that, consistent with our EASL committee engagement guidelines, inactive committees and inactive committee co-chairs are facing termination; and, all EASL committees and co-chairs are being reviewed and considered for modification.

. Barry also reminded the EC that expressions of interest have been made to add a new EASL committee focused on M&A, securities law and general corporate matters. Barry expressed an interest in serving as a co-chair for that committee if it is formed.

Elissa Hecker reminded all committee co-chairs to please keep NYSBA updated with any changes to his or her mailing and email addresses, in part so that each co-chair may receive mailed hard copies of the EASL Journal.

a) Copyright and Trademark.

Donna Fresco reported that her co-chair, Teresa Lee, has resigned as co-chair of this committee. Donna (who called in from work in London) expressed an interest in moving over to co-chair of EASL's international committee. Steven Rodner offered to serve as co-chair of our copyright and trademark committee.

b) Alternative Dispute Resolution.

Peter Arcese has resigned his position as co-chair of this committee. TFN, the other co-chairs of this committee will continue in their positions.

c) Digital Entertainment.

TFN, the current co-chairs of this committee will continue in their positions.

d) Diversity.

TFN, the current co-chairs of this committee will continue in their positions.

- e) Fashion.
TFN, the current co-chairs of this committee will continue in their positions.

- f) Fine Arts.
TFN, the current co-chairs of this committee will continue in their positions.

- g) Law Student Liaisons.
This committee has no co-chair, and no current EC member was willing to take on this role (which was helmed by Jason Aylesworth, who had previously resigned).

- h) Legislation.
TFN, the current co-chairs of this committee will continue in their positions.

- i) Literary Works.
TFN, the current co-chairs of this committee will continue in their positions.

- j) Litigation.
TFN, the current co-chairs of this committee will continue in their positions.

- k) Membership.
TFN, the current co-chairs of this committee will continue in their positions.

- l) Motion Pictures.
TFN, the current co-chairs of this committee will continue in their positions.

- m) Music.
TFN, the current co-chairs of this committee will continue in their positions.

- n) Non-for-Profit.
This committee has no co-chair, and no current EC member was willing to take on this role (which was helmed by Robert Reicher, who had previously resigned).

- o) Pro Bono.
Tiffany Tsai will join this committee as a co-chair.

- p) Publications.
TFN, the current chair of this committee will continue in this positions.

- q) Publicity, Privacy and Media.
TFN, the current co-chairs of this committee will continue in their positions.

- r) Scholarship.
TFN, the current co-chairs of this committee will continue in their positions.

- s) Sports.
TFN, the current co-chairs of this committee will continue in their positions.
- t) Television and Performing Arts.
Pamela Jones and Mary Anne Zimmer previously resigned their positions as co-chairs of this committee. Judy Bass volunteered to serve as its co-chair; and, Barry Skidelsky said that he too might be willing to again serve as its co-chair.
- u) Theatre.
TFN, the current co-chairs of this committee will continue in their positions.
- v) Young Lawyers.
TFN, the current co-chairs of this committee will continue in their positions.

3.4 Virtual Bar Center.

Barry next provided an update about NYSBA's plans for a Virtual Bar Center, which include a revamp of the association's and sections' websites among other IT changes. He reminded the EC that at the last meeting of the Section Caucus (SC), Simeon Baum (SC Chair) asked Barry and Jay Hack (from NYSBA's Business Law Section) to form and co-chair the SC's Virtual Bar Committee. The goal of that virtual bar committee was to expeditiously develop a questionnaire, to likewise survey section chairs and make recommendations to NYSBA -- including as to how the association should improve the websites among other IT changes proposed.

A copy of those recommendations titled "Report of the Virtual Bar Center Committee of the New York State Bar Association's Sections Caucus" dated July 9, 2019 was sent to NYSBA. Barry added that the report is now in the hands of NYSBA executives, who will decide what next steps to take (including, hopefully, promptly consulting with the SC's virtual bar committee before any action is taken by the association).

Richard Lewis, on behalf of NYSBA, reported that revisions of the websites among other IT changes are and will remain works in progress -- with the intent to continually update the websites so as to make them better and more user friendly (which all concerned generally agree that they are not). Richard added that NYSBA's EC will meet next week to discuss this matter, after which EASL and the other NYSBA sections will be updated.

3.5 House of Delegates.

Barry reminded the EASL EC that for our section to have again two delegates to the NYSBA House of Delegates, section membership must reach at least 1,500 by December 31, 2019, the next measuring date. EASL was previously misinformed by NYSBA that the last measuring date was to have been in late February 2019 when NYSBA sent final notices of membership renewal; but, the correct measuring date was instead December 31, 2018. On that date, EASL was about 24 members short of 1,500, while in January 2019 we were about 24 members over 1,500.

Accordingly, Barry is currently the sole delegate from EASL. Barry added that he will be unable to attend the November 2019 House of Delegates meeting, and he asked Steven Richman to attend in his place. Barry also said that he would like Steve to again become the second delegate from EASL if we are able to achieve the 1,500 member goal by year end.

Kristina Maldonado (NYSBA's liaison to EASL) reported that our section currently has 1,395 members -- which means we are currently about 100 members short of our 1,500 goal. Kristina also confirmed that law students and first year lawyers can join NYSBA and EASL at no cost, and that they would count towards this 1,500 goal.

Barry asked all EASL EC members to encourage other attorneys and law students to join our section. Barry Werbin suggested that law school professors who teach any subject related to EASL be asked to inform their students of the opportunity to join NYSBA and EASL at no cost. Barry Skidelsky noted that that Kristina had recently sent an email to faculty at several law schools to inform them of the membership opportunity, as well as the opportunity to submit papers for EASL's annual Phil Cowan Memorial Scholarship writing competition.

Barry Skidelsky asked Kristina to please send a reminder to the previously contacted faculty, and he asked all other EASL EC members to please reach out to any law school faculty contacts that they may have.

3.6 Law Students and Young Lawyers Involvement with EASL.

Anne Atkinson suggested that new law student EASL members should know who on the EASL EC they may contact after joining, so that the law students could become more involved with section committees. For example, if they are interested in TV, they should know who the TV committee co-chairs are and how to contact them, so that the law students might directly contact a committee co-chair and discuss becoming involved with that committee.

Steven Richman then suggested that when each law school has an EASL relevant student organization sign up date and time, a representative of EASL should then attend to inform students of the opportunity to join the association and section for free. Jill Pilgrim added that she is teaching a course at Columbia Law School, and that she will contact the law school to find out about sending students information on joining EASL.

Judy Bass reminded the EC that, in the past, law students who served as liaisons to EASL from various other NYSBA sections (such as NYSBA's Young Lawyers section) had attended EASL EC meetings. Judy suggested that we should again encourage such liaisons to join us.

Regarding young lawyers, Barry noted that Christine Marie-Lauture is the only chair of the EASL Young Lawyers committee. He then asked Anne LaBarbera, who is active with the NYSBA Young Lawyers Section, to see if someone she knows would be interested in joining EASL's Young Lawyers committee as co-chair. Anne said she will consider the matter and follow up.

Tiffany Tsai then noted that law students must complete 50 hours of pro bono service before they can be admitted to practice law New York. She added that volunteering with EASL might be a good way to have law students satisfy this pro bono requirement.

Steve Richman responded saying that the current Pro Bono requirements are very specific, and for example require supervision by a law clinic or legal services organization. Tiffany then said that because the VLA satisfies this organizational requirement, perhaps we could get law students involved with a joint VLA-EASL pro bono event. Elissa Hecker stated that the Pro Bono clinics EASL sponsors provide malpractice coverage only for licensed attorneys, not law students.

4. Committees/Engagement.

4.1 Section Committee Meetings

Barry Skidelsky reminded the EC that each EASL committee is budgeted \$750 per year to hold meetings, programs and events. He urged committee co-chairs to use these funds and encourage member engagement pursuant to our engagement guidelines. The issue of available venues for committee meetings and other programs or events was raised,

Jill Pilgrim volunteered the use of conference rooms at her office for EASL committee meetings. Jeff Aber asked if we could hold meetings or programs outside of New York City, for example at Pace University law school in White Plains (where Jeff teaches sports law).

Barry said yes we could, noting that we have long liked the idea of getting individuals involved in areas of New York State outside of Manhattan. In addition to our regular annual events that we hold in NYC (such as our annual, spring and fall meetings), Barry suggested that EASL committee co-chairs should feel encouraged to do more ad hoc programs outside of NYC -- such as a possible sports law program or event at Pace in White Plains, which he asked the sports law committee co-chairs to consider.

4.2 Diversity

Anne Atkinson reported that the Diversity committee held an event on October 21st. The program was a reboot of the implicit bias program held last April, called “Disrupting Implicit Bias in the EASL Industries: A Focus on the Legal Profession.” It was sponsored by EASL in conjunction with the Intellectual Property Law Section and the Committee on Continuing Legal Education.

Anne said that Viacom provided both the space and a lovely networking reception afterward. Our own Cheryl Davis of the Authors Guild moderated, and the other panelists included Carla Miller of Universal Music Group, Oscar Pelaez of Kobalt Music, our own Jill Pilgrim of Pilgrim & Associates Law Offices, Deborah Robinson of Viacom, and Josh Zuckerberg of Pryor Cashman.

4.3 Motion Pictures

Robert Seigel reported that the Motion Pictures committee will be holding a meeting tomorrow at Pryor Cashman from 12:30pm to 1:30pm titled “Negotiating Motion Picture Distribution Agreements.” Larry Sapadin (former FilmRise Vice President of Business and Legal Affairs) and Minh Vo (the current FilmRise Vice President of Business and Legal Affairs) will discuss key deal points to consider when a producer is negotiating a motion picture distribution agreement. The discussion will also include the various means of distributing a motion picture and how to negotiate distribution deals for both conventional media and streaming services.

4.4 Fine Arts - Activist Art Program Series.

Carole Steinberg reported on the three-part series on Art and Activism, titled “Working Along the Lines of Activism and Artistic Expression.” The series is produced collaboratively by the National Art Club (the NAC) and EASL's Diversity and Fine Arts committees. The first event, titled “Activist Art: An Artists Perspective,” was held at NAC on September 26 and it included Ming Smith, Adrienne Fields and Zoe Buckman as speakers.

The second event, titled “Activist Art: Institutional Considerations”, will be held at NAC on November 15. That event will explore the institutional world of activist art through a conversation with curators and museum directors who have worked to present activist art, as well as those who have experienced public protest. The third event on “Activist Art: Digital Issues” will be held at NAC on January 15, 2020.

4.5 Phil Cowan Scholarship

Kristina Maldonado reported that she sent information on the Phil Cowan Scholarship writing competition to several law school professors, asking them to please inform their students about the scholarship and membership opportunities. Christine Marie-Lauture volunteered to join Judah Shapiro as co-chair of EASL's Cowan Scholarship Committee, and they were asked to please follow-up with the law schools.

5. Programs and Events (Currently Scheduled).

5.1. EASL's Annual Music and Business Law Conference.

Rosemarie Tully reported on EASL's Annual Music and Business Law Conference (MBLC), which is scheduled to take place at New York Law School on Friday November 15. Currently 66 people are registered, but more registrants are expected.

Rosemarie added that we were fortunate to have already lined up over 35 outstanding speakers, including the following Luncheon Keynote Speakers Monte Lipman (Co-Founder and CEO of Republic Records), Avery Lipman (Co-Founder and President of Republic Record), Steve Gawley, Esq. (EVP Business/Legal, Universal Music Group, East Coast Labels) Daniel Getz, Esq. (SVP Business/Legal, Universal Music Group, Republic Records). Larry Miller (a professor at NYU Steinhardt) will serve as moderator.

Among the topics to be covered at the MBLC will be artists' revenue streams, copyright challenges, blanket licensing, music modernization act, music finance and trends in catalog transactions. Rosemarie also noted that the MBLC will provide professional CPE credit for attending CPAs. Among the CLE credits offered to attorneys will be one credit for diversity.

Rosemarie thanked everyone who assisted her in planning the event, including thanks to Anne Atkinson (who helped plan the diversity in music panel, which Cheryl Davis will moderate) and Paul LiCalsi (who also helped plan this year's program). Paul said he would be unable to attend the MBLC this year, as he will then be out of town.

5.2 Annual Meeting

Judy Bass, Anne Atkinson and Sara Robertson will co-chair the EASL Annual Meeting CLE program to be held on **Tuesday January 28, 2020**. Judy reported that the first panel will be on “Legal and Business Issues in Digital Distribution” and will feature Peter Hamilton who will speak about streaming. Caryn Robson, from Pryor Cashman’s Los Angeles office, as well as the ESA's chief counsel will also be speakers. Judy said that the planning committee is still looking for speakers on the audio side of digital.

Anne Atkinson reported that the second panel will be on “The Changing Roles of Agents, Lawyers and Managers, and Ethical Considerations.” Marc Jacobson will be speaking on the effort to exempt attorneys from New York’s talent agency law. Hal Biagas, a former NBA executive and current sports agent with Sideline Sports Management, will also speak.

Judy asked that if anyone knows of entertainment ethics attorneys who have not previously spoken at past EASL events, that their name and contact information be shared with her. Barry reminded the planning committee that NYSBA's deadline for a formal Agenda for our Annual Meeting is November 1. Judy said she is already working on that and will follow-up. As usual, EASL's annual meeting will be held at the Hilton and followed by our (now third consecutive) joint networking reception with NYSBA's Intellectual Property section.

5.3 Annual Theater Law Program

Jason Baruch reported that the annual CTI Theater Producing event will be held April 1-2, 2020. This event, which features a “deep dive” into theatrical producing, will offer 7 CLE credits.

6. Program and Events (Planned or Proposed)

Due to time constraints, Barry tabled to the next EASL EC Meeting further discussion of other possible programs and events, including EASL's Spring 2020 meeting, a possible new annual CLE program on film/tv and a possible new annual CLE program on sports law.

7. Other Initiatives and New Business.

Also due to time constraints, tabled to the next EASL EC Meeting was further discussion of any Other Initiatives and New Business.

8. Adjournment. Upon motion unanimously approved, the EC meeting was adjourned at 2:00 pm. **The next two EASL EC meetings will be held on Tuesday November 19 and Wednesday December 18, both at Pryor Cashman and from 12:15pm to 2pm.**

Respectfully submitted,

Ethan Bordman, EASL Secretary