

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

Executive Committee Meeting – June 20, 2019

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

Minutes of EASL EC Meeting

Attending in Person: Anne S. Atkinson, Jason P. Baruch, Judith B. Bass, Paul Cossu, Joan Faier, Marc Jacobson, Diane F. Krausz, Jared Leibowitz, Stephen B. Rodner, Andrew Howard Seiden, Robert L. Seigel, Judah S. Shapiro, Barry Skidelsky, Carol Steinberg, Rosemarie Tully, and Barry Werbin.

Attending by Telephone: Brian D. Caplan, Cheryl L. Davis, Leslie M. Greenbaum, Donna Froscio, Kathy Kim, Richard C. Lewis, Paul V. LiCalsi, Bennett Liebman, Judith B. Prowda, Steven Richman, and Sarah Robertson.

1. Welcome.

Barry Skidelsky (EASL Chair) called the meeting to order at 12:45 p.m. and welcomed everyone in attendance. He asked that those attending by phone confirm their attendance at today's meeting by sending an email to Kristina Maldonado (EASL's liaison at NYSBA) and to Joan Faier (Assistant Secretary) who is taking minutes in the Secretary's absence. Barry stated that he would be conducting the meeting with an *ad hoc* agenda which would track the usual agenda topics. He welcomed a new Executive Committee (EC) member, Paul Cossu, who is an attorney at Pryor Cashman and who has joined the EC as a Co-Chair of the Fine Arts Committee.

2. Approval of Minutes.

Barry stated that the minutes from the May 20, 2019 meeting were not completed, and that they will be circulated at the next EC meeting.

3. Chair's Report.

3.1 Report on House of Delegates (HOD) meeting.

Barry provided a report on the HOD meeting which he attended in Cooperstown on June 15. He reminded the EC that EASL currently has only one delegate to the HOD because the section was on December 31, 2018 slightly short the 1,500 members required to have two delegates. Barry suggested that EASL do a push in the fall for membership, in part to enable the section to add a second delegate who will be selected later. As NYSBA statistics show that EASL has around 300 law students in the section at present, and because law students count for

that 1,500 member requirement, Barry plans to focus the fall recruitment push on law students while simultaneously advising them of EASL's Cowan Scholarship.

Barry added that a major NYSBA initiative underway is the creation of the Virtual Bar Center (VBC). NYSBA is working with several consultants to update its dated website and IT system in order to make it more state of the art. Barry said that the goal of the project is to make the website easier for members to find information, register for programs, and join the association.

Barry also reported that at the Section Caucus meeting in Cooperstown, he was appointed Co-Chair of the Section Caucus' Virtual Bar Center Committee. Barry is currently working with VBC Committee Co-Chair Jay Hack to develop a questionnaire, which will be sent to Section Chairs asking them what features they need or want on the website. That input will be considered and digested to create a report from the Section Caucus to NYSBA.

Barry presented several suggestions for the new website that he expects may be adopted, such as having a public-facing section, a NYSBA member facing section, and a section executive committee facing section. He would also like EASL's website to include information on other meetings or matters of interest in our fields. Barry stated that he Jay hope to have the questionnaire completed, sent out, and answers compiled soon to be forwarded to NYSBA in accordance with the Association's last minute or tight deadline.

Richard C. Lewis, liaison from NYSBA's Executive Committee, added that NYSBA wanted the new website to be up and running as soon as possible. He said that NYSBA recognized how important the sections were to the association, and that any EASL EC Committee member suggestions would be well-received. He also said that any EASL EC member could also send suggestions to him and he would pass them along to the appropriate people at NYSBA.

3.2 Budget. Barry then reported that the EASL budget would need to be addressed over the summer, and that he would then contact section officers for help. Barry said that at least two areas in particular warranted budgetary increases: the Cowan Scholarship and Diversity.

3.3 Phil Cowan Memorial Scholarship. Barry reminded the EASL EC that since BMI will no longer co-sponsor our scholarship, EASL would pay for the entire \$5,000 (i.e., two \$2,500 scholarships) previously approved.

3.4 Membership Initiative. Barry reiterated that EASL should do a membership drive in the fall, and will especially look to add more law students in order to build the membership back up to 1,500 by December 31, 2019 in part to then qualify for two HOD delegates.

4. Committees/Engagement. Barry suggested that committees should try harder to engage actively with members, including members located outside of New York City. He presented EASL membership statistics that he received at the HOD meeting showing 62 per cent of our membership is downstate (New York City area); 9 percent of membership is upstate, and the rest

are either in contiguous states or international (primarily Canada and Great Britain). Also, 27 percent of EASL members attended at least one EASL event during the year, not counting committee meetings. Barry also noted that EASL's Annual Meeting drew about 100 in attendance, the Music and Business Law Conference drew about 160, and the Theater/CTI program had around 60-75 members in attendance. Barry then asked for committee reports that hopefully reflect the section's previously adopted Committee Engagement Guidelines.

4.1 Theatre. Jason Baruch stated that the Theater Committee was holding a non-CLE event which was attending the Broadway show, *What the Constitution Means to Me* on Thursday, June 27. There will be appetizers and drinks beforehand as a networking opportunity at the Ribbon. Kathy Kim on behalf of the Committee will send out another group email. She stated that next time the Theater Committee may try an off-Broadway show due to the price points of Broadway shows not meeting its diversity goals.

4.2 Literary. Judy Bass, on behalf of the Literary Works Committee, provided a report on a well-attended non-CLE brown bag luncheon meeting on the topic of *Independent Publishing: An Update from the Experts* held on May 31 at Pryor Cashman. The two expert speakers, Angele Bole, CEO of the Independent Book Publishing Association (IBPA), a more than 3,000 member trade association based in California of all types of independent book publishers, and Brooke Warner, the Chairperson of the IBPA and publisher of She Writes Press, a hybrid publisher, spoke on the criteria that IBPA developed on the new business model of hybrid or author-subsidized publishing. They were in New York City for Book Expo, and it was very fortunate that they were available to speak to the group. Next fall, the Literary Works Committee hopes to put on another luncheon meeting on the topic of the use of block chain for e-book publishing ownership, provided a room can be found.

4.3 Diversity. On behalf of the Diversity Committee, Anne Atkinson mentioned the successful May 16 program as well as other programs that the Committee had sponsored.

4.4 NYS Proposed Right of Publicity Legislation. Judy Bass provided a further update on the status of this bill, including the likelihood and ramifications of it being passed as currently drafted. Steven Richman stated that the Assembly version of the bill was actually on the Assembly floor at the time of the EC meeting, with a Senate version of the bill in the Senate Rules Committee. Steve also said that the Assembly had extended its session until June 21, making it still possible for the bill to pass in this Assembly session. He further stated that we would know by June 22 if the bill had passed. Discussion ensued as to how EASL could register its serious concerns with the bill's language if it passed, with several members pointing out that EASL could still possibly contact Governor Cuomo with concerns, since the governor has until the end of the year to sign bills into law.

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, which is scheduled for Friday November 15. She said that the event committee was making a big push for pre-planning this year, and that save-the-date postcards had already gone out last week. She stated that the

committee was fortunate to have already lined up outstanding Luncheon Keynote Speakers, which include: Monte Lipman, Co-Founder and CEO of Republic Records; Avery Lipman, Co-Founder and President of Republic Record; Steve Gawley, Eq., EVP Business/Legal, Universal Music Group, East Coast Labels; Daniel Getz, Esq., SVP Business/Legal, Universal Music Group, Republic Records, and Larry Miller, a professor at NYU Steinhardt (among other relevant credentials), as moderator. Rosemarie said they planned to replicate the May 16 Diversity CLE program at the MBLC unless NYSBA had already used it again (as she didn't want saturation of its use). In that case, a different diversity program would be included. Anne Atkinson noted that the May diversity panel was also going to be presented at Viacom under the initiative of panelist, Deborah Robinson, who is VP of Anti-Piracy at Viacom.

5.2 Activist Art Program. Judith Prowda stated that the Fine Arts Committee had planned a program entitled *Activist Art* to be presented on September 26. She said that more details on the program will be provided over the summer.

5.3 Upstate Programs. Barry repeated his hopes for an October program in Buffalo and a November program in Albany. Plans call for the November one to focus on sports betting and gaming, and to be spearheaded by Robert J. McLaughlin of Hodgson Russ (a law firm with an expertise in New York state and local taxes. Although not an EASL program, Bennett Liebman, who is a professor at Albany Law School, mentioned Albany Law School's annual Saratoga Institute on Equine, Racing & Gaming Law will be held in Saratoga on August 6. While it is too late for an EASL co-sponsorship of this program, Barry asked Ben if EASL could please have its pamphlets and membership material available at this event. Bennett agreed to do so, and Barry asked Ben to co-ordinate with Section liaison Kristina Maldonado on getting that material to the event.

6. Programs and Events (Planned and Proposed).

6.1. Fall Meeting. Barry proposed the topic of "Entertainment Project Finance" for the Fall Meeting, which was well received. After a discussion of the name for this program, the foregoing was settled upon as a working title. Barry also suggested that this program could contain three components, financing for theater, film and television projects. A brief discussion of music finance projects ensued, and Anne Atkinson suggested that music finance projects could be included as well. There was a discussion of possible speakers for this program. Barry mentioned Jason Baruch as a speaker on theater finance. It was suggested that possible speakers on the film side could be Robert Seigel or Ethan Bordman (who chair EASL's Film Committee), an attorney at Pryor Cashman to be identified who does this type of work, or Ezra Donner who Barry Werbin suggested previously presented well for EASL on this topic. After discussion, the week of October 17 was agreed upon as the target time frame.

6.2 Annual Meeting. Barry asked that we start thinking about our annual meeting and reminded us that NYSBA has come up with a new approach for its annual meeting dinner, starting with the one to be held at the January 2020 Annual Meeting: a pay-to-attend Gala Dinner, for which all sections would be asked to take a table. NYSBA also suggested that sections could subsidize young lawyers and/or section officers if they wanted to do so. The price would be \$375.00 per person. In the past, NYSBA paid for invitation-only dinners that had been

held during the Annual Meetings. A debate ensued on whether EASL should buy a table or subsidize young lawyers to attend the Gala. At present, the consensus among EC members appeared to be against those Gala ideas, and the entire annual meeting topic was tabled for later discussion.

7. Other Business.

7.1. Committee Chair Changes. Marc Jacobson stated that he had reached out to Joseph Hanna, a lawyer with a sports law background, at a Buffalo-based law firm with which Marc was doing work and asked him if he were interested in co-chairing EASL's Sports Committee. Joe agreed to do so and will be a Co-Chair of the Sports Committee, along with current Co-Chair David S. Fogel. Barry noted that Barbara Jaffe had stepped down as one of the Phil Cowan Scholarship Committee Chairs and he asked if anyone could suggest a replacement. None were made.

7.2. New EASL Section Chair and Officers. Barry reported that the Nominating Committee had met to consider the next Section Chair, who along with additional Section Officers will need to be formally nominated and approved in accordance with EASL's Bylaws.

8. Adjournment. Upon motion unanimously approved, the EC meeting was adjourned at 1:58 pm. The date of the next EASL EC meeting in September is TBD. There will be no EASL EC meetings in either July or August.

Respectfully submitted,

Joan Faier (Assistant EASL Secretary)