

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

**Executive Committee Annual Meeting – January 28, 2020**

**Hilton Midtown  
1335 6<sup>th</sup> Avenue  
New York, New York 10019**

**Minutes of EASL EC Meeting**

**Attending in Person:** Anne S. Atkinson, Alan Barson, Jason P. Baruch, Judith B. Bass, Ethan Y. Bordman, Brian Caplan, Cheryl L. Davis, Joan Faier, Elissa D. Hecker, Marc Jacobson, Brian Logan, Kathy Kim, Diane F. Krausz, Anne LaBarbera, Jared Leibowitz, Paul V. LiCalsi, Bennett Liebman, Jill Pilgrim, Judith B. Prowda, Andrew Seiden, Robert Seigel, Judah S. Shapiro, Barry Skidelsky, Innes Smolansky, Carol Steinberg, Tin-FuTiffany Tsai, Rosemarie Tully and Barry Werbin.

**Attending by Telephone:** Jeffrey Aber and Les Greenbaum

1. Welcome.

Barry Skidelsky (EASL Chair) called the meeting to order at 11:48 a.m. and welcomed everyone in attendance. He stated this would be his last EC meeting as EASL's Chair, with elections to be held at EASL's 2020 Annual Meeting to begin at 1 p.m. Barry thanked the former EASL Chairpersons for their time and assistance in selecting the incoming EASL EC board and selecting Barry Werbin as the new EASL Chair. Barry Skidelsky thanked everyone attending the meeting for their time and hard work in being involved with EASL.

Barry reminded all the attendees to sign-in and those attending by phone to email their attendance to Ethan Bordman, EASL's Secretary.

2. Approval of Minutes.

Barry next asked if anyone had any comments or changes to the minutes of the last EASL EC meeting, held on December 18, 2019. Carole Steinberg had one change, which she notified the EASL Secretary about via email before the meeting and the appropriate changes were made. There upon, a motion was duly made and seconded, the EC meeting minutes were unanimously approved, per the changes.

3. Chair's Report.

3.1 Budget.

Barry Skidelsky reported that the section's proposed 2020 budget was just approved by NYSBA. The 2020 EASL budget is \$109,100, a slight increase from 2019's budget of \$102,000

due in part to increases in line item funding for both the Cowan scholarship (which is now sponsored solely by EASL) and diversity events. A copy of the 2020 budget, which was distributed at today's EASL EC Meeting, will be attached to today's minutes. Barry reminded the EC members that each committee has \$750 allocated to them annually to hold committee meetings and events.

### 3.2 Membership.

Barry reviewed the composition of the members of EASL's EC - stating the board consists of EASL EC Committee members, EASL Committee Chairpersons, EASL House of Delegate Representatives and EASL Judicial District Representatives. He stated that EASL was 50 members short of the 1,500 needed by December 31, 2019 to have two representatives to the NYSBA House of Delegates. Therefore, EASL will have one representative to the House of Delegates with Steve Richman serving as the representative and Barry Werbin as the alternate.

### 3.3 Phil Cowan Memorial Scholarship.

Barry discussed the changes in the Cowan Scholarship. Among the changes from previous years include EASL being fully responsible for the financial awards of two \$2,500 scholarships as BMI is no longer involved with the award. He noted that EASL should start the notification of the Cowan opportunity earlier in the year with email blasts to professors who teach in EASL related subjects to notify their students. He also emphasized notifying students of the opportunity to join NYSBA and EASL at no cost as part of the Cowan scholarship opportunity.

### 3.4 Judicial Districts.

Barry suggested that EASL should try to have at least one representative from each Judicial District in the State of New York. He noted that Judicial Districts 1 (Manhattan), 5 (Syracuse), 6 (Ithaca), 7 (Rochester) and 12 (The Bronx) do not currently have any EASL district reps. He notified the EC that Alan Barson has recently volunteered to serve as the Judicial District Representative in the 9<sup>th</sup> District. Barry thanked Alan for serving in the position.

Barry added that, as each of these districts have law schools in them, we should consider asking one or more law school professors to serve as EASL district representatives (and/or to otherwise get more involved with EASL, such as to hold more CLE programs or events outside of Manhattan, Cowan, Membership, etc.),

Barry suggested that the following law schools be encouraged to get closer to EASL:

- 1) Judicial District 1 – Manhattan – NYLS, NYU, Cardozo, Columbia, Fordham
- 2) Judicial District 5 – Syracuse – Syracuse Law School
- 3) Judicial District 6 – Ithaca – Cornell Law School
- 4) Judicial District 7 – Rochester – University of Rochester Law School
- 5) Judicial District 12 – Bronx

### 3.5 Committees.

Barry reminded committee chairpersons to hold an event at least once every calendar quarter. The event could be a committee meeting, brown bag lunch, seminar (CLE or not) or newsletter. He emphasized that face to face time and events are the important to building membership and member involvement.

### 4. Committee Reports.

Barry began committee reports by stating that the chairpersons should be active in their positions or they may be removed from their roles.

#### 4.1 Publications.

Elissa Hecker stated that there were problems with the EASL Journal due to staffing at the NYSBA. She stated the NYSBA is working hard on putting the publication together. The official deadline for articles in the next EASL Journal is this Friday, January 31<sup>st</sup>. The next EASL Journal will be coming out this April or May. Elissa thanked those who contributed to the Journal and reminded everyone that contributions for future Journals are encouraged and appreciated.

#### 4.2 Pro Bono.

Elissa Hecker stated that the next EASL Pro Bono event will be held on March 21<sup>st</sup> at Hunter College. More information is to come in the near future. She noted this is a new location than previous Pro Bono events. She noted that the event will be smaller than in past events so there are a limited number of spots for attorneys to volunteer. Therefore, those interested in volunteering please contact Elissa as soon as possible.

Barry asked Elissa to get in touch with the Alvin Alley Theatre Company regarding future Pro Bono events. He encouraged pro bono in other areas than dance and encouraged the Pro Bono committee to have events with other NYSBA sections.

#### 4.3 Fine Arts.

Carol Steinberg reported that the Fine Arts committee will be holding a screening of the film "Driven to Abstraction," about the Knoedler Gallery art scandal, at Pryor Cashman on February 19<sup>th</sup>. The event is a collaboration with the Center for Art Law and a Q & A with the film's director, Daria Price, will follow the screening. Carol also stated that on April 6<sup>th</sup> or 13<sup>th</sup> the committee will be holding a brown bag lunch titled "Agency Relationships in the Art World," with Jill Feldman, gallery director of the Tanya Bonakdar Gallery on the topic of art gallery operations. She will announce the confirmed date soon. She also noted that the Fine Arts committee had a great meeting before the annual EC meeting. Also, the committee will be having an event with Arts Westchester regarding arts and estates planning in NYC this spring. More details to follow.

#### 4.4 Dispute Resolution.

Judith Prowda stated that it has been 10 years since the Dispute Resolution has had a Fine Arts in ADR event. Judith said it was time for another event, which she will be developing soon.

Barry Skidelsky reminded the committee of information from Jill Pilgrim, discussed in past EC meetings, on the move toward mandatory mediation in contracts and for the committee members to understand this in drafting work for clients. Jill stated that Judah Shapiro had recently gone thru mediation training and he should speak about what is involved in training. Judah stated the mediation course is 40 hours long. The course, which must be approved by the NY Courts, is 4 days and the attendees receive 32 CLE hours. Sixteen of the hours are in a specialized area of family law, commercial law or surrogate law, which the attendee selects. Judah said he feels the training will be creating other areas of law for attorneys to select from. The cost is \$2,000; however, the fee can be waived if an attorney volunteers a certain number of hours to provide pro bono mediation. Jill Pilgrim noted that within the 40 hours an attorney must shadow a lawyer and then co-mediate with an experienced mediator before mediating on their own. She stated it may be a bit difficult to get shadow experience as everyone in the mediation must consent to a third party attending. Often, she said, one of the parties to the mediation may not want a third person attending.

#### 4.5 Sports.

Jill Pilgrim stated the Sports committee will be holding an event titled “Name, Image & Likeness” on collegiate sports regarding the compensation of college athletes. She said Joe Hanna is looking into planning this event with Syracuse Law School. The date of the event is TBD. She is also working on an Esports panel and has asked the Metropolitan Black Bar Association to be a co-sponsor. She is looking for three panelists to discuss commercial sponsorships and athlete rights.

Elissa Hecker stated that, in regard to sports and other EASL committees, committee chairs notify her of events so she can post them on the EASL blog. Barry Skidelsky encouraged members to take pictures at events for the blog.

#### 4.6 Law Students.

Rosemarie Tully stated that Isano Carter, a newly admitted attorney, will be the new co-chair of the EASL Law Student Committee along with Gabrielle Costa, a law student at Touro. Rosemarie will be helping the chairs as a mentor since they are new to EASL and new to their positions. She noted that though Gabrielle is a co-chair, as she is not an attorney, she cannot vote on EASL issues. Barry Skidelsky stated he was glad that we are getting members involved as students and we should encourage this.

#### 4.7 Young Entertainment Lawyers.

Barry stated that he would like to see this committee more active and would like to see the Young Entertainment Lawyers committee and Law Students committee working together on events.

#### 4.8 Music.

Barry announced that Rosemarie Tully will join Judah Shapiro as co-chair of the Music committee. Rosemarie stated the committee will be holding a series of three events with the first being a brown bag lunch featuring Chris Hull, of Prager Metis, who specializes in Royalty Audits. Judah stated he is looking for a venue to hold 20-20 people for the event.

Barry Skidelsky stated that as co-chair of the Section Caucus' Virtual Bar Committee (VBC), he prepared and submitted a report to NYSBA on issues concerning the Association's planned website(s) revamp and related IT reforms that are collectively labelled the NYSBA Virtual Bar Center. In regard to this, he recently spoke to the NYSBA regarding having a portion of the NYSBA website to help sections find venues to hold events. He also stated that the EASL website should also have sections that are members only and EC access only. These features will allow members and EC to interact easier with areas such as an internal planning calendar.

Ines Smolansky stated that other section websites list attorneys who specialize in certain areas of practice to encourage referrals. Barry said he will look into this. Ines spoke further about putting a process in place to help attorneys locate interns who can help on a short-term basis. Marc Jacobson stated this would be difficult as the NYSBA could be seen as procuring employment. Barry Werbin said this raises complications of employment – beyond the mission of EASL – and that though internships are important, EASL should focus on educating students by working with the NYSBA on addressing employment opportunities.

#### 4.9 Other News.

Barry Skidelsky announced that Marc Jacobson has become a first-time grandfather. Marc thanked the committee and said he was proud to be a grandfather to his new granddaughter.

### 5. Programs and Events (Currently Scheduled)

#### 5.1 Annual Theater Law Program.

Jason Baruch stated he and co-chairs, Kathy Kim and Diane Krausz had a great committee meeting, before the EC meeting, with other committee members to discuss events over the coming year. He stated the annual EASL/CTI Theater Producing event will be held April 1-2, 2020 from 5:30 p.m. – 9:30 p.m. each night and encouraged EASL members to attend. This event, which features a “deep dive” into theatrical producing, will offer 7 CLE credits. Barry Skidelsky said the Theater & Performing Arts committee should change its name to the Theater committee. The

committee co-chairs agreed. Barry stated the theater committee had the biggest attendance of any committee meeting held earlier this morning.

## 5.2 Annual Meeting

Barry stated there are over 100 people attending the Annual Meeting today with the same number (50 EASL and 50 Intellectual Property Section Members) attending the after-event at Bill's Burgers.

## 6. Program and Events (Planned or Proposed)

### 6.1 Spring Meeting and Other meeting Ideas.

Barry suggested having the Spring Meeting on the issue of California Assembly Bill-5 (AB-5), which recently passed. AB-5 distinguishes between the classification of workers as employees or independent contractors, which is an important change in the entertainment industry. Cheryl Davis stated this is a very timely and important issue. She also suggested immigration and athlete visas as a topic. Judith Prowda suggested the topics of internships and informing attorneys on the issues of hiring interns. Marc Jacobson stated AB-5 and internships together work well since they both deal with employment issues. Barry stated the topics should be EASL issues in employment proposing the event speak about AB-5 in New York/New Jersey, loan outs and internships. Cheryl Davis and Diane Krauz volunteered to chair the Spring Meeting. Ethan Bordman noted that Stan Soocher usually speaks in the Spring Meeting giving his "Annual Year in Entertainment" review of important legal issues and asked if we would have Stan speak. Barry said he speak with the co-chairs of the event regarding Stan.

Due to the time all other reporting was adjourned to the next meeting.

Barry thanked Anne Atkinson, Judy Bass and Sarah Robertson for the hard work in planning the Annual Meeting. All attendees agreed and thanked them.

7. Adjournment. Upon motion unanimously approved, the EC meeting was adjourned at 12:51 pm.

### **PLEASE NOTE: NEW LOCATION FOR EASL EC MEETINGS:**

**The next EASL EC meetings will be held on: Wednesday February 5th from 12:00 –2:00pm at Herrick Feinstein (located at 2 Park Avenue near 33<sup>rd</sup> Street).**

Respectfully submitted,

Ethan Bordman, EASL Secretary