

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

**Executive Committee Meeting – May 13, 2020 12:30 –2:00pm**

**Minutes of EASL EC Meeting**

**Attending by Virtual Conference/Telephone:** Dana Alamia, Anne S. Atkinson, Jason P. Baruch, Judith Bass, Ethan Bordman, Brian Caplan, Isaro Carter, Paul Cossu, Gabrielle Costa, Cheryl Davis, Dana DiGiuseppe, Joan Faier, Dave Faux, Donna Frosco, Les Greenbaum, Elissa Hecker, Marc Jacobson, Kathy Kim, Christine-Marie Lauture, Jared R. Leibowitz, Bennett Liebman, Diane F. Krausz, Anne LaBarbera, Paul LiCalsi, Jill Pilgrim, Judith Prowda, Steven H. Richman, Sarah Robertson, Stephen Rodner, Andrew Seiden, Robert Seigel, Judah Shapiro, Simone Smith, Carol Steinberg, Tiffany Tsai, Rosemarie Tully and Barry Werbin.

1. Welcome.

Barry Werbin (EASL Chair) called the Zoom virtual meeting to order at 12:40 p.m. and welcomed everyone in attendance.

2. Approval of Minutes.

Barry asked if anyone had any comments or changes to the minutes of the April 1, 2020, EASL EC meeting and, with one change requested by Judith Prowda, the minutes were approved.

3. Chair's Report.

3.1. New York Bar Foundation COVID-19 Emergency Legal Relief Fund

The Chair stated that he and Dana Alamia had received an e-mail from The New York Bar Foundation, which sponsors a COVID-19 emergency legal relief fund and is soliciting donations. He noted that the Senior Lawyers Section had made a \$5,000 donation. The Chair stated that he will look into EASL making a possible donation. The Chair will work with Dana Alamia to receive an EASL budget, working with our Treasurer, Kathy Kim.

3.2. Copyright and Trademark Committee.

The Chair stated that Stephen Rodner is Co-Chair of the Copyright and Trademark Committee and another Co-Chair is needed since Donna Frosco has moved to Chair the International Committee, which only has five members currently.

3.3 Covid-19 Legal Programming.

The Chair noted that NYSBA is looking for more Covid-19 related legal programming, such as the Sports Committee's proposed program.

Simone Smith (NYSBA CLE Program Manager) stated that webinars have had 20-70 attendees with some webinars not Covid-19 related. NYSBA has stated that in-person programming will most likely be suspended to at least the end of the year and that NYSBA is permitting newly admitted attorneys to receive CLE for online webinars. Simone recommended doing basic skills programs. Dana noted that the EASL member cost for virtual CLE programs is only \$25. Dana also said that NYSBA has cancelled all in-person programs for the rest of this year.

The issue arose regarding EASL retaining all monies from programming. Rosemarie Tully explained that in the past, monies from the Theatre Law, Music, Fall and Spring meetings were retained by EASL, but this may change given circumstances.

### 3.4. Membership.

The Chair urged further efforts to recruit new EASL members especially since many current and potential members (including student members) are home during the pandemic and may be interested and have the time for virtual programming, especially for CLE, and we need to hit 1,500 members by year-end to get a second delegate at the NYSBA House of Delegates.

### 3.5 CASE Act.

The Chair discussed the proposed small claims court administered through the U.S. Copyright Office for which there is a bill pending in the U.S. Senate. He spoke with Marc Jacobson and Stephen Rodner (as Copyright and Trademark Committee Co-Chair) regarding whether EASL should state a position regarding whether to support the CASE Act. The Chair stated he would defer to the EASL EC, especially since he and his firm represent Google. The Chair recommended that some form of memo should be prepared by Marc Jacobson and Stephen Rodner with links to the proposed legislation to acquaint EC members with the CASE Act to inform their decision of whether the EC should support it. Steve Richman and Judith Bass also volunteered to assist with this review.

Cheryl Davis stated that the Authors Guild is supporting the CASE Act legislation.

Judith Bass and Judith Prowda suggested that a roundtable be formed or other program created to discuss the CASE Act in addition to or prior to the EASL EC stating a position regarding the proposed legislation.

### 3.6 Website.

The Chair advised that he forwarded comments on issues with the new NYSBA/EASL website pages to the head of marketing at NYSBA.

## 4. Committee Reports.

### 4.1 Publications.

Elissa Hecker stated that the upcoming Spring edition of the EASL Journal will be available online only in June since the NYS PAUSE program prevents physical printing of the EASL Journal. The deadline for the Summer issue is May 29th.

Regarding the EASL blog, Elissa Hecker noted that NYSBA is looking for Covid-19 related blogs and there will be a list of grants for artists adversely affected by Covid-19.

#### 4.2 Pro Bono.

Elissa Hecker stated that the in-person symposium and the clinic were cancelled but she and Pro Bono Committee Co-Chair Tiffany Tsai offered legal services to Volunteer Lawyers for the Arts and The New York Foundation for the Arts in which Elissa Hecker provided a webinar addressing contracts, the coronavirus, force majeure and impossibility for VLA. Elissa Hecker, Tiffany Tsai, Diane Krausz, Cheryl Davis and other EASL member attorneys will hold NYFA<sup>1</sup> weekly legal webinars in May and June 2020 on immigration, real estate and copyright as well as coronavirus and the CARES Act. There has been amazing feedback from VLA and NYFA. There is a plan for a series of legal and business blogs for NYFA and the EASL part of the NYSBA website, with the first blog appearing online in May.

Elissa asked the EC members to email her ideas of any other suitable pro bono organizations, as it's easy to modify the program materials. Target audiences are artists and content creators.

#### 4.3 Theatre.

Jason Baruch stated that the Theatre Law two-day program will have to be postponed to 2021. Since the two-day program would be cumbersome for Zoom, the program could be separate speaker and panel discussions, which would require coordination with co-sponsor Commercial Theatre Institute.

The Chair suggested that the Theatre Law Committee work with the Pro Bono Committee to tailor programs and blogs for theatrical artists who may adversely be affected due to Covid-19 and its economic consequences.

#### 4.4 Sports.

In addition to the planned webinar addressing the impact of Covid-19 on the sports industry in June (see Section 5.1 below), Jill Pilgrim mentioned that the e-sports program sponsored by the Diversity Committee and the Metropolitan Black Bar Association was very successful, with over 45 attendees. The program is available on the Metropolitan Black Bar Associations Youtube channel.

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<sup>1</sup> New York Foundation for the Arts

#### 4.5 ADR.

Judith Prowda noted there would be a June 11th virtual ADR Committee program with Simeon Baum to be the speaker concerning negotiating skills, along with a proposed program with JAMS and EASL panelists with details to be TBD. There may be a joint ADR Committee-Fine Arts Committee meeting to address ADR issues concerning the fine arts.

Jill Pilgrim noted she was still liaison to the NYSBA Dispute Resolution Section and that Simone Smith (NYSBA CLE Manager) asked her to do a webinar on sports contract negotiation for May 19 (not an EASL event).

#### 4.6 Music.

Rosemarie Tully stated that there was a subcommittee comprised of former EASL Chairs to discuss a forthcoming Music Committee program, which usually is a day-long event in November. Instead of a daylong event, there could be an online program, which would consist of four separate online panels to address music law basics (with the Music Modernization Act), music licensing, financial issues and music litigation issues sometime in the immediate future and with an intended full day in person program in 2021.

### 5. Programs and Events

#### 5.1 Spring Meeting and Other Meeting Ideas.

The Chair stated that the first panel of the virtual Spring Program Stan Soocher's "Annual Year In Entertainment" review of important legal issues would be online this year on May 27<sup>th</sup>.

The Chair stated that the Sports Committee Co-Chairs Jill Pilgrim and Jeffrey Aber has set up a webinar which would address the impact of Covid-19 on the sports industry in June and the legal and economic effects. Jill Pilgrim stated that the webinar's speakers would include the general counsels for such organizations as the NCAA, the U.S. Equestrian Federation, USA Baseball, and possibly a sports agent or attorney as the fourth panelist.

6. New Business. Anne Atkinson mentioned the possibility of some form of "e-sports for dummies" program to cover the basics of the subject matter working with the Sports Committee, as well as retooling the diversity in music program from in-person to online.

7. Adjournment. Upon motion unanimously approved, the meeting was adjourned at 1:55 p.m.

The next EASL EC meeting is scheduled for Wednesday, June 17, 2020.

Respectfully submitted,

Robert L. Seigel, EASL Secretary