

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

Executive Committee Meeting – October 7, 2020 12:30 –2:00pm

Minutes of EASL EC Meeting

Attending by Virtual Conference/Telephone: Jeff Aber, Dana Alamia, Anne S. Atkinson, Jason P. Baruch, Judith Bass, Ethan Bordman, Brian Caplan, Louise Carron, Isaro Carter, Cheryl Davis, Joan Faier, David Faux, Donna Frosco, Les Greenbaum, Elissa Hecker, Marc Jacobson, Kathy Kim, Christine-Marie Lauture, Richard Lewis (NYSBA), Anne LaBarbera, Paul LiCalsi, Olivera Medenica, Jill Pilgrim, Judith Prowda, Steve Richman, Sarah Robertson, Stephen Rodner, Andrew Seiden, Robert Seigel, Judah Shapiro, Barry Skidelsky, Simone Smith (NYSBA), Innes Smolansky, Carol Steinberg, Tiffany Tsai, Rosemarie Tully and Barry Werbin.

1. Welcome.

Barry Werbin (EASL Chair) called the Zoom virtual meeting to order at 12:35 p.m. and welcomed everyone in attendance.

2. Chair's Report.

2.1. EASL Minutes for September 2020.

Revised minutes for September 2020 will be circulated for approval by EC Board.

2.2 Passing of Tim DeBaets.

The Chair stated that former EASL EC Chair and name partner at the law firm Cowan DeBaets Abrahams & Shephard LLP Tim DeBaets passed away recently.

2.3 Diversity Plan.

The Chair stated that the NYSBA has requested that each Section submit a Diversity Plan by January 31, 2020. The Chair reminded the EC that there will be a diversity program held at the Annual Meeting to kick off a series of discussions respecting different sectors of the arts and entertainment fields, with participation of various EASL Committees. The Chair acknowledged that he will be working with the Diversity Committee to formulate the Diversity Plan, which will then be circulated to the EC for comment and ultimate approval in January 2020. He further noted that monthly statistics regarding EASL membership breakdown are good regarding EASL but they can be improved over time in terms of diversity.

3. EASL Journal.

Elissa Hecker stated that the Summer issue of the EASL Journal should be published any day. The Fall/Winter issue of the EASL Journal has been completed and is scheduled to be

distributed in December 2020. The deadline for the Spring issue of the EASL Journal is January 22, 2020.

Elissa also stated she has been speaking with Chairs, such as those from the Fashion Law and Theatre and Performing Rights Committees, for possible EASL blog entries.

4. EASL Phil Cowan/Judith Bresler Memorial Scholarship.

Scholarship Committee Co-Chair Ethan Bordman stated the Committee is updating the deadline dates for this year and the NYSBA graphics department has been preparing a flyer for scholarship competition. He further stated that the scholarship competition rules are being revised and that Judah Shapiro will be forwarding the prior list of law schools previously involved in the competition and for which EASL EC members had been serving as liaisons.

The Chair further stated that the deadline for year's submissions shall be moved to early January 2020.

Barry Skidelsky noted that last year there was last minute rush and law schools weren't assigned to particular EC members, and that historically BMI had rotated certain out-of-state schools. He noted that Journals and Societies should be added to the e-mailing list of professors.

Ethan stated the list of law schools for this year will be New York-based, with some exceptions such as Rutgers, Seton Hall and the University of Pennsylvania, where Judith Bresler taught.

The Chair stated that there should be a mass e-mail sent by the Chair to all of the law liaisons at the law schools and the various EC members could follow up with individual law schools based on their respective relationships with such law schools.

5. Annual Meeting.

The Chair stated that the upcoming Annual Meeting section for EASL is scheduled for Tuesday, January 19, 2020, from 2 p.m. to 4 p.m. and Tuesday, January 26, 2021, from 2 p.m. to 4 p.m., factoring additional time needed for the Scholarship awards and a possible "Meet the Section" networking session at the end of the January 26, 2020 day, perhaps with the Intellectual Property Section.

The topics include:

--The Impact of COVID-19 on Sports: A Legal Perspective Part II on January 19, 2020, for 1.5 CLE from the Sports Committee

--Dispute Resolution Within the Arts and Entertainment Related Industries (with one panel on the arts and the other panel on entertainment) on January 19, 2020, for 2.0 CLE from the ADR and Arts Law Committees

--Diversity Series Part I on January 26, 2020, for 2.0 CLE from the Diversity Committee

6. Program Sponsorships.

The Chair stated that NYSBA has provided a deadline of October 9, 2020, for EASL to submit forms for possible sponsorship arrangements for the Annual Meeting.

Rosemarie Tully also noted there are three sponsorship tiers for the MBLC at \$750, \$1,500 and \$2,500, which were established a few years ago. Rose noted a potential issue with the EASL web site landing page not including sponsor logos for the MBLC program, and that we need to make sure that all sponsors' commitments play out.

Jill Pilgrim noted that NYSBA must commit to whether we can place sponsor logos on the EASL website.

Judy Bass suggested that sponsorship packages should cover the entire EASL annual meeting as a whole, with which the Chair agreed.

7. Music Business Law Program.

Rosemarie Tully stated that the forthcoming Music Business Law program would consist of four separate online panels for each Friday starting on October 30, 2020, music finance on November 6, 2020, music industry trends on November 13, 2020, and the Music Modernization Act and mechanical licensing on November 20, 2020.

Paul LiCalsi stated that the first session on Friday, October 30, 2020, from 12:30 p.m. to 2:30 p.m., will address music litigation with the following panelists:

Moderator: Paul LiCalsi, Esq., Reitler Kailas & Rosenblatt LLC

Speakers:

Brian D. Caplan, Esq., Reitler Kailas & Rosenblatt LLC, who will discuss various claims against the Trump campaign for music copyright infringement, Lanham Act violations and rights of publicity claims.

Sandra A. Crawshaw-Sparks, Esq., Proskauer, who will discuss the Taylor Swift litigation in the Ninth Circuit concerning the "haters are gonna hate" lyrics.

Helene Freeman, Esq., Phillips Nizer LLP, who will discuss the "Led Zeppelin" litigation.

Christine Lepera, Esq., Mitchell Silberberg & Knupp LLP, who will discuss the Drake litigation.

Hillel I. Parness, Esq., Parness Law Firm PLLC, who will discuss the Ed Sheeran copyright infringement litigation.

Marc Jacobson mentioned that the Music Law Business program has two committed sponsors and one possible extra sponsor.

The Chair suggested that the MBLC's sponsorship marketing program should be used as a model for soliciting Annual Meeting program sponsorships.

There was a discussion amongst the EC regarding how to clarify pricing points for registering for EASL programs on the NYSBA website, especially regarding discount pricing for EASL members. Barry Skidelsky noted that NYSBA program invites do not contain information respecting cost and place/time. The Chair said that EASL discounted pricing should appear in the registration information. Richard Lewis noted these were good ideas, but he was not sure who would address this at NYSBA administratively. The Chair noted that we should email Gerard McAvey, NYSBA's Marketing Director, and copy Simone, Dana and himself. Richard Lewis noted that the website is still a work in progress.

Anne Atkinson asked about the annual meeting program pricing. Simone Smith said that NYSBA was still working on pricing and might be more flexible for the Diversity program because diversity is now a mandatory NY CLE credit.

8. Committee Reports.

8.1 Theatre and Performing Arts.

Co-Chair Jason Baruch explained that there were four recent "brown bag" lunches, which were small group conversations to discuss relevant theatre law and business issues and possible CLE and non-CLE programming. The annual EASL-Commercial Theatre Institute Theatre Law program may be rescheduled for the Fall 2021.

8.2 Pro Bono.

Elissa Hecker stated that the Pro Bono Steering Committee had its first virtual meeting and that legal clinics will resume virtually starting first with the New York Foundation for the Arts (NYFA) sometime in January 2021. Elissa thanked her new Co-Chair, Louise Carron.

Elissa Hecker also noted that she will be moderating a panel on not-for-profit organizations concerning legal issues and how such organizations can pivot during the pandemic and address such organizations' directors and officers.

Co-Chair Louise Carron explained that the legal clinics will not only be virtual but shorter in duration, smaller and more issue specific, such as copyright and contracts, with breakout sessions to be done virtually in a secure manner.

Co-Chair Carol Steinberg mentioned that she will be conducting an EASL VLA webinar, which will be a basic introduction to artists' rights including general copyright issues, fair use and moral rights with another possible webinar with NYFA TBA.

8.3 Fashion Law.

Chair Olivera Medenica stated that she is organizing a two day conference on October 20-21, 2020, through the Federal Bar Association and the French Bar Association to address such fashion industry topics as real estate, sustainability, licensing and contractual issues.

The Chair suggested that EASL could possibly co-sponsor the conference to promote the event and attract possible new members.

8.4 International.

Chair Donna Frosco noted that the Sports ADR Committee and the International Committee are co-sponsoring a program arranged by the Dispute Resolution Section on October 8, 2020, concerning international dispute resolution featuring a speaker from the International Volleyball Federation. The program will address the International Basketball Federation's approach to basketball arbitration and mediation on an international basis.

9. Other Business.

9.1 Membership.

Barry Skidelsky reminded the EASL EC that December 31, 2020, is the deadline for the final accounting of membership for delegation assignment.

The Chair estimated that there are currently approximately 1,200 EASL members, which reflects a membership reduction across NYSBA.

The Chair confirmed that student membership is free and newly-admitted attorney members could receive membership in EASL for as low as \$10. Dana Alamia noted that students can join up to two Sections for free and that NYSBA has a sliding scale for newly admitted attorneys in their first two years. Steve Richman noted that EASL membership used to be free for first year attorneys.

Simone Smith noted there is an issue tracking law students after graduation who used their school's email domain while still students. Steve Richman states that OCA data is public and could be used for tracking.

9.2 Bylaw Review and Possible Revision.

The Chair recommended the possibility of forming an EASL EC subcommittee to explore revisions to the bylaws. Steve Richman advised the EC that proposed changes to the bylaws

must be submitted 30 days before either the annual meeting or the meeting of NYSBA's Executive Committee, which meets quarterly.

9.3 Miscellaneous.

Elissa Hecker mentioned that the EASL Sports Law Committee this year has been the busiest sports committee in the history of EASL.

Barry Skidelsky noted that the Section Caucus was meeting today, as was the NYSBA Executive Committee.

Steve Richman mentioned that responses to the Health Law Committee's report to NYSBA were due today.

Tiffany Tsai mentioned that the Pro Bono Steering Committee she was putting together a not-for-profit program on Covid-related issues and that EC members should let her know if they would like to volunteer or have any contacts with non-profit organizations. Tiffany noted that volunteer lawyers get CLE credit for participating.

Simone Smith gave a shout-out to Elissa Hecker for the EASL Journal being one of the most substantial among all Section journals.

13. Adjournment. Upon motion unanimously approved, the EC meeting was adjourned at 2:15 p.m.

The next EASL EC meeting is scheduled for Wednesday, November 4, 2020.

Respectfully submitted,

Robert L. Seigel, EASL Secretary