

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

Executive Committee Meeting – November 4, 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, Gabrielle Costa, Cheryl Davis, Joan Faier, Les Greenbaum, Elissa Hecker, Marc Jacobson, Kathy Kim, Christine-Marie Lauture, Richard Lewis (NYSBA), Anne LaBarbera, Paul LiCalsi, Judith Prowda, Steve Richman, Sarah Robertson, Stephen Rodner, Robert Seigel, 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 12:37 p.m. and welcomed everyone in attendance.

2. Chair’s Report.

2.1. EASL Minutes for September and October 2020.

Revised minutes for September 2020 and October 2020 minutes were approved by EC Board.

2.2 Annual Meeting Fees.

The Chair stated that he is taking on the task and has exchanged several e-mails with NYSBA to advocate for lower fees at the 2021 Annual Meeting for EASL members. The matter will be discussed at the upcoming Sections Caucus meeting on Friday, November 6, 2020. NYSBA had arranged for 5.5 CLE credits with a \$245 fee for EASL members at the Annual Meeting. The Chair noted this fee is comparable to last year’s fee for the Annual Meeting, which was not virtual and had hotel rental and catering costs, and that webinar fees have been ranging from \$25-\$50. This cost is especially difficult for members given the pandemic.

Richard Lewis, the NYSBA Executive Committee liaison to EASL, stated that he would raise the issue with the NYSBA executive committee. He also discussed raising an issue at the executive committee on having New York State classify attorneys to be deemed as “essential workers” for dealing with COVID-19 matters. This would be especially helpful for solo practitioners and in small firms.

The Chair remarked that given the decline in EASL membership, a more affordable Annual Meeting fee would encourage membership.

2.3 Copyright Society.

The Chair noted that EASL should be working with the Copyright Society to co-sponsor EASL events and cross-market events, discounts and membership by both organizations. The Copyright Society has indicated that it would be willing to co-sponsor but not on an economic basis.

2.4 TV/Radio Committee Chairs.

The Chair is looking for potential Chair/Co-Chairs for the TV/Radio Committee and is reaching out to potential candidates such as Joe Salvo from Sesame Workshop and Howard Homonoff, a media attorney who writes a column on media law for Forbes. The Chair requested any other suggestions for the position from EC members.

2.5 Diversity Plan.

The Chair requested that a copy of the NYSBA Diversity Plan requirements be sent to the EC members. NYSBA has requested that each Section submit a Diversity Plan by January 31, 2020.

Anne Atkinson requested that the deadline for the EASL Diversity Plan be postponed until after the Annual Meeting, perhaps sometime in February 2020, due to the time commitment required for the diversity program scheduled during the Annual Meeting.

2.6 NYSBA Sections Caucus Call for Nominations.

The Chair mentioned that the NYSBA Sections Caucus is seeking nominations for Chair, Vice-Chair, Secretary and Members-at-Large for its executive committee. The deadline for nominations is Monday, November 30, 2020. A memo was circulated to the EC members stating nomination specifics including requirements.

There was a discussion of contacting EASL former Chairs to discuss possible suggestions for nominations.

2.7 ADR Program for the Annual Meeting.

Judith Prowda explained that the ADR program scheduled during the Annual Meeting is a joint program by the ADR and Fine Arts Committees: The program's Co-Chairs include Judith Prowda, Carol Steinberg, Kathy Kim and Paul Cossu.

The program is titled “Dispute Resolution in the Arts and Entertainment In the Time of Coronavirus and Beyond” (with one panel on visual arts and the other panel on entertainment) on January 19, 2020, for 2.0 CLE from the ADR and Fine Arts Committees.

This program will provide a new perspective on mediation and arbitration in the arts and entertainment, both now and in the future.

Two Program Key Highlights or Objectives:

- Learn how mediation and arbitration can assist lawyers and their clients expedite the resolution of disputes during unprecedented times.
- Understand how dispute resolution is well-suited for the arts and entertainment fields.

Panels:

Art Panel:

William Charron, Esq., Partner, Pryor Cashman

Paul Cossu, Esq., Partner, Olsoff Cahill Cossu

Luke Nikas, Esq., Partner, Quinn Emanuel Urquhart & Sullivan LLP.

Aimee Scillieri, Esq., Vice President, Associate General Counsel at Sotheby's, Inc.

Judith Prowda, Esq. (Moderator), Faculty, Sotheby’s Institute of Art; Principal, Stropheus Art Law

Entertainment Panel:

Laverne Berry, Esq., Berry Entertainment Law

Theo Cheng, Esq., ADR Office of Theo Cheng

Amy Lehman, Esq., Director of Legal Services, Volunteer Lawyers for the Arts

Michael D. Young, Esq., JAMS Hon. Barbara Jaffe (Moderator), Acting Justice, New York State Supreme Court

3. EASL Journal.

Elissa Hecker stated that the Fall/Winter issue of the EASL Journal has been completed and is scheduled to be distributed in December 2020.

4. EASL Phil Cowan/Judith Bresler Memorial Scholarship.

Scholarship Committee Co-Chair Ethan Bordman stated that the Chair's letter and a flyer for the scholarship competition have been sent to the law schools' professors and student organizations in the arts, entertainment, sports, fashion, interactive and intellectual property fields. The Scholarship Committee is also researching to update the list of law schools. He further suggested that EC members reach out to any of their law school contacts concerning the scholarship competition.

5. Annual Meeting Sponsorships.

The Chair stated that the final sponsorship forms were submitted to NYSBA for possible sponsorship arrangements for the Annual Meeting. The forms have been circulated to the EC members. There are four sponsorship levels to attract small businesses and perhaps some individuals as possible sponsors.

Judith Prowda is in discussions with JAMS as a possible sponsor.

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. She also noted a potential issue with the EASL website landing page not including sponsor logos for the MBLC program, and that EASL needs to make sure that there is compliance with all commitments to sponsors.

Judith Bass suggested that there should be a committee to address these sponsorships which would lessen or avoid duplicative efforts within the EC.

The Chair advised that suggestions for sponsorships could be sent to Dana Alamia so that such efforts can be done in a coordinated manner.

Marc Jacobson suggested that such sponsorship efforts could be coordinated through the EC treasurer rather than forming another committee.

6. Music Business Law Conference.

The Chair stated that the MBLC including the litigation panel has been proceeding well.

Rosemarie Tully stated that the first panel on music litigation had 83 attendees. She commended Paul LiCalsi for his work as moderator on the panel, along with Brian Caplan as a panelist and Dana Alamia for her efforts in dealing with the logistics and the technology concerning the panel.

7. Fine Arts Committee and Pro Bono Committee Update.

Carol Steinberg stated that she is speaking with Adrienne Fields with the Artists Rights Society to schedule a program concerning artists' estates for May 2021. This panel would be non-CLE with artists as the primary audience and would include a Volunteer Lawyers for the Arts panelist and an Artists Rights Society panelist as well as an artist.

8. Committee Reports.

8.1 Motion Pictures.

Co-Chair Robert Seigel discussed a possible program, which would address option and purchase agreements for underlying property rights such as books for motion pictures and by extension, television films (“movies-of-the-week”), television series and limited series, with the program possibly co-sponsored with the Literary Rights Committee for a time TBD.

8.2 Digital & Current Legislation Status.

The Chair discussed that the Digital Committee has been somewhat dormant without a Chair and he explored whether it should be disbanded and folded into one of the other media committees.

The Chair also mentioned there is also a dormant Current Legislation Committee that may also overlap with the Legislation Committee, which is chaired by Marc Jacobson and Steve Richman. Marc Jacobson stated that Anne LaBarbera is planning to join the Legislation Committee. The Chair suggested that the Current Legislation Committee be folded into the Legislation Committee.

8.3 Diversity.

Co-Chair Anne Atkinson stated that she is working with Judith Bass, Cheryl Davis and Joan Faier to locate panelists for the diversity program for the Annual Meeting in January 2021. Such matters concerning the program as deadlines and course material still need to be addressed.

8.4 Fine Arts.

Co-Chair Carol Steinberg stated that a Fine Arts Committee-Volunteer Lawyers for the Arts Pro Bono webinar is scheduled for December 9, 2020, which would include a basic introduction to artists’ rights featuring three key cases artists should know dealing with copyright law in general, fair use and moral rights.

9. Other Business.

9.1 Annual Meeting Scholarship Awards and Networking Session.

The Chair stated that time has to be allocated for the scholarship awards during the second day of the EASL part of the Annual Meeting.

The Chair also mentioned the possibility of a networking section with the IP Section after the second day.

Louise Carrion mentioned the use of a virtual networking meeting where people meet at different “tables.”

9.2 Miscellaneous.

Steve Richman mentioned that EASL is still 300 members short of the 1,500 member goal to secure a second delegate for NYSBA and that the sign up deadline is December 31, 2020.

The Chair stated that the monthly membership breakdown was submitted to the EASL EC which could be helpful in dealing with membership and diversity matters.

Louise Carron suggested that EASL partner with art law societies other than those that are New York-based to attract possible student members.

10. Adjournment. Upon motion unanimously approved, the EC meeting was adjourned at 2:00 p.m.

The next EASL EC meeting is scheduled for Wednesday, December 2, 2020.

Respectfully submitted,

Robert L. Seigel, EASL Secretary