

ENTERTAINMENT, ARTS & SPORTS LAW SECTION

Executive Committee Meeting – December 2, 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, Gabrielle Costa, Joan Faier, Elissa Hecker, Marc Jacobson, Kathy Kim, Diane Krausz, Christine-Marie Lauture, Richard Lewis (NYSBA), Anne LaBarbera, Jared Leibowitz, Olivera Medenica, Jill Pilgrim, Judith Prowda, Steve Richman, Sarah Robertson, Stephen Rodner, Robert Seigel, Judah Shapiro, Barry Skidelsky, 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 November 2020.

Subject to comments from Carol Steinberg and Steve Richman, the November 2020 minutes were approved by EC Board.

2.2 Annual Meeting Fees.

The Chair stated that the 2021 Annual Meeting fees have been reduced to \$149 (through December 31, 2020, and \$199 thereafter for EASL members.

2.3 Replacement and Recommendations for Secretary.

Given his law practice and the need to focus on the Motion Picture Committee, Robert Seigel shall be resigning as Secretary after the January 2021 meeting. The Chair has requested recommendations for a new Secretary starting with the February 2021 meeting.

2.4 Copyright Society.

The Chair noted that he and Elissa Hecker have a call scheduled with the Chair of the Diversity Committee of the Copyright Society so that the organizations can share resources, topics and speakers as well as broaden the subject matter to include such topics as diversity and immigration. Elissa Hecker noted that these events would be streamed for an international audience. EASL should be working with the Copyright Society to co-sponsor EASL events.

Steve Richman stated that he had heard from a NYSBA representative that all CLE revenue would be allocated to NYSBA itself for this 2020 and most likely for 2021 as well.

2.5 New Membership.

The Chair stated that Dana Alamia has sent a monthly report, which includes profile statistics from NYSBA concerning new members, and EASL has recruited approximately six new members. EASL currently has 1,290 members, so it is highly doubtful that EASL will achieve the 1,500 milestone to justify the Section having a second delegate by the end of the year.

Barry Skidelsky observed that law students can become EASL members at no cost and that law students who compete in the annual Phil Cowan/Judith Bresler Memorial Scholarship Competition could become EASL members.

The Chair noted that there should be follow up with the law students in the competition to remind them that they should become EASL members.

Steve Richman suggested that there should be a link in any communications with the law students so that they could easily register for EASL membership.

2.6 EC Online Chat Section,

There was a general discussion concerning the increased use of the online section of EASL part of the NYSBA website where EC members could communicate with one another. Several EC members observed that other NYSBA Sections such as the Real Property and Business Law Sections have utilized this feature with their respective members to facilitate discussions regarding particular legal issues in their fields.

3 EASL Phil Cowan/Judith Bresler Memorial Scholarship.

Scholarship Committee Co-Chair Ethan Bordman stated that no submissions have been received yet but that some law school professors have indicated that they have received some entries or interest from law students to submit entries and that another e-mail ballast would be sent to the law schools shortly to get law student interest before the holidays. The competition deadline is January 5, 2021. He further suggested that EC members reach out to any of their law school contacts concerning the scholarship competition.

4. Annual Meeting Sponsorships.

The Chair stated that Marc Jacobson has brought in Iberiabank for a \$10,000 Premiere Sponsorship for this upcoming year, which includes a Gold Sponsorship for the Annual Meeting.

Marc Jacobson noted that Iberiabank would have an exclusive EASL sponsorship for banking services for the upcoming year. The sponsorship package would include a video introduction at the EASL/Commercial Theater Institute program, the Music Business Law Conference, the June 2021 EASL Conference (if any) and the Fall 2021 EASL Conference as well as its logo on e-blasts and postcards, a one-half page acknowledgment in the EASL Journal,

invitations to all social events, verbal acknowledgments at EASL programs, a business description on the EASL Section page on the NYSBA website, a one pager about the bank at EASL programs and two complimentary invitations to EASL programs.

Marc Jacobson noted that NYSBA should credit all of the sponsorships from the Music Business Law Conference to EASL.

Judith Prowda stated that the JAMS Silver Sponsorship has been secured.

The Chair noted his firm Herrick, Feinstein LLP will be a Bronze Sponsor for the Annual Meeting.

There are smaller sponsorships available for firms and other smaller businesses.

5. Music Business Law Conference.

Rosemarie Tully stated that the four virtual panels went well and had approximately 80-100 attendees per panel. There were microphone sound issues at some of the panels. She thanked Steve Rodner and Diane Krausz as well as Paul LiCalsi, Brian Caplan, Joyce Dollinger, Marc Jacobson, Jared Leibowitz, Dana Alamia and Simone Smith.

The Chair noted the need for sound and video checks at programs such as the Annual Meeting, although Rosemarie Tully noted that those checks were done for the MBLC panels.

Marc Jacobson noted that approximately \$4,000 in sponsorships was raised for the MBLC program.

6 Agenda Program for the Annual Meeting.

Dana Alamia stated that the Annual Meeting program timed agendas, panel bios and final descriptions are due immediately.

The programs at the Annual Meeting include the following:

Tuesday, January 19, 2021

12:30 p.m. – 4:30 p.m.

Tuesday, January 26, 2021

2:00 p.m. – 4:30 p.m.

(a) Sports and Covid (Jan. 19, 2021 first afternoon session)

Part 2 of The Impact of COVID-19 on Sports: A Legal Perspective re: the uncertain path forward and potential long term impact of the pandemic on world sports.

(b) Fine Arts/ Entertainment Dispute Resolution (Jan. 19, 2021 second afternoon session)

A 2 panel program that first offers a deep dive on arbitration & mediation, and how it is well-suited for EASL fields.

(c) Diversity (Jan. 26, 2021, afternoon session)

The first in a series of forums exploring the legal community serving individual EASL industries. Each forum will focus on past and continuing racial inequality and injustices that continue in each industry. This program will focus on promoting diversity and inclusion in book publishing.

(d) Chair's opening comments and acknowledgment of sponsors.

(e) EASL Phil Cowan/Judith Bresler Memorial Scholarship awards

The Chair noted that the program chairs for the Annual Meeting should schedule a call before the Annual Meeting.

7. Committee Reports.

7.1 Right of Publicity.

The Chair and Judy Bass stated that that this month Governor Cuomo signed a bill into law that amends and expands New York's Civil Rights Law to add two sections, which newly recognize rights of publicity for "deceased performers" and "deceased personalities" and provide redress for "depicted individuals" for wrongful use of their images in digitally manipulated sexual content without consent (including "deep fakes"). The Chair further stated that he and Judy Bass would be contacting the Co-Chairs of the Publicity, Privacy and Media Committee to arrange and schedule a program to discuss the new legislation.

Judy Bass explained that the new legislation was a group effort and a victory for many including SAG-AFTRA because of concerns about some members having had their images and other elements of their personality commercially exploited after death throughout the years. The Motion Picture Association of America (MPAA) also lobbied to ensure that First Amendment safeguards were included in the legislation to prevent an undue limitation on creative works such as films and television or in works of political, public interest, educational or newsworthy value.

7.2 Sports.

Co-Chair Jeff Aber stated that on September 22, 2020 the Sports Law Committee held a committee meeting and presentation by Andrew Eiger, Vice President of Legal at Roc Nation Sports. Roc Nation Sports is a premier sports agency based in NYC, which was founded by Shawn "Jay-Z" Carter. Eiger discussed his personal journey into sports law and Roc Nation's

structure, business, legal staff and legal work. The presentation was quite interesting and Eiger kindly fielded many questions from the committee members.

Co-Chair Jill Pilgrim stated that she was a panelist during a program sponsored by the International Section and the Madrid Bar Association, which addressed sports law issues such as Covid-19's effect on soccer. The attorney from the Madrid Bar Association will be a panelist at the Sports and Covid-19 panel at the Annual Meeting.

7.3 Legislation.

Co-Chair Marc Jacobson noted that there was a virtual Legislation Committee meeting in which there was a discussion of proposed federal legislation that would provide "backstop" protection during the pandemic for the insurance industry in dealing with film and television productions. He and other Co-Chairs Steve Richman and Anne LaBarbera are seeking input regarding whether the EASL EC would want to support such proposed legislation, which would be introduced in 2021.

A copy of the proposed legislation would be sent to the EC for review and possible comment.

Steve Richman discussed proposed NYS legislation concerning a talent agency exemption, which would permit attorneys to represent performing artists without having to be licensed as talent agents. This proposed legislation would be similar to legislation adopted previously in California.

7.4 Theatre and Performing Arts.

Co-Chair Jason Baruch noted that the two-day Theatre Law Conference co-sponsored by the Theatre and Performing Arts Committee and the Commercial Theatre Institute would be postponed as an in-person program until Fall 2021. He added that the Committee would have additional on-line "brown bag" meetings similar to the four sessions that were held recently, as well as a small on-line CLE program for Spring 2021.

7.5 Fashion.

Co-Chair Olivera Medenica stated there was the possibility of a proposed series of discussions with speakers who would discuss their careers or a business aspect of the fashion industry, as well as a program concerning cultural appropriation and possible legal protection for Black, Asian and ethnic clothing designs.

Anne Atkinson stated that the Diversity Committee could co-sponsor such a program.

7.6 Publications/EASL Journal.

Elissa Hecker stated that the deadline for the Spring 2021 issue is January 22, 2021 and the Fall/Winter issue would be published shortly.

7.7 Pro Bono.

Elissa Hecker noted that a virtual legal clinic is scheduled for the first quarter of 2021 with the Dance NYC Symposium as well as upcoming virtual legal clinics with the New York Foundation for the Arts (NYFA).

7.8 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. She noted that an artists' estate program is in the planning stages.

7.9 Motion Picture.

Co-Chair Ethan Bordman stated that a questionnaire would be sent to Committee members soliciting suggestions for possible program topics for 2021.

7.10 Digital.

The Chair explained that he received an e-mail from Digital Co-Chair Andrew Seiden who will be resigning as Co-Chair but Sarah Robertson would remain as a Co-Chair. The Chair made a request to the EC for recommendations for a replacement Co-Chair.

8. Other Business.

8.1 Miscellaneous.

Steve Richman mentioned that NYSBA is offering financial assistance programs for its members for dealing with the pandemic with dues reduction or waivers and scholarships for attorneys who wish to attend CLE programs but are having financial difficulty doing so.

9. Adjournment. Upon motion unanimously approved, the EC meeting was adjourned at 2:05 p.m.

The next EASL EC meeting is scheduled for Wednesday, January 6, 2020.

Respectfully submitted,

Robert L. Seigel, EASL Secretary