

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

**Executive Committee Meeting – June 17, 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, Isaro Carter, Paul Cossu, Gabrielle Costa, Cheryl Davis, , Joan Faier, Donna Frosco, Les Greenbaum, Elissa Hecker, Diane F. Krausz, Kathy Kim, Christine-Marie Lauture, Jared R. Leibowitz, Bennett Liebman, Anne LaBarbera, Paul LiCalsi, Jill Pilgrim, Judith Prowda, Steve Richman, Sarah Robertson, Stephen Rodner, Andrew Seiden, Robert Seigel, Barry Skidelsky, 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 12:34 p.m. and welcomed everyone in attendance.

2. Chair's Report.

2.1. 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 in 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.

2.2 EASL Surplus Budget/ New York Bar Foundation COVID-19 Emergency Legal Relief Fund

The Chair stated that there is currently a \$97,000 surplus in the EASL Section budget. EASL has made a \$2,500 donation to the New York Foundation COVID-19 Emergency Legal Relief Fund based on overwhelming EC Committee approval by e-mail vote and the Foundation has expressed its appreciation for the donation, which it has noted on its website.

2.3 EASL Scholarship.

The EASL Scholarship has been renamed the Phil Cowan/Judith Bresler Memorial Scholarship by unanimous vote. Many members of the legal community as well as Judith Bresler's husband have expressed their support concerning the renaming of the scholarship.

The Chair stated that he and Barry Skidelsky wish to accelerate the outreach for the scholarship program as early in July 2020 rather than wait until September 2020 since so many

law students are home due to the pandemic. There is a need for a working group to spearhead this initiative, which should be comprised of all former EASL chairs and the Scholarship Committee co-chairs. The Chair made a request for volunteers for the outreach initiative and Rosemarie Tully, Christine-Marie Lauture, Ethan Bordman and Diane Krausz agreed to work on the outreach scholarship initiative.

#### 2.4 EASL Website.

The Chair advised that he forwarded a list of issues concerning the new NYSBA/EASL website pages to the head of marketing at NYSBA. All of the EASL minutes from 2018 going forward (with perhaps one or two omissions) will be on the EASL section of the NYSBA website under the Executive Committee link. The Section committee rosters now state the names of the chairs on the website.

Barry Skidelsky on behalf of the Virtual Bar Committee (a committee of the Section Caucus) mentioned that the roster from the Section Caucus lists the following as EASL members of the Section Caucus: Barry Skidelsky, Barry Werbin, Steve Richman, Anne LaBarbera, Diane Krausz, Steve Rodner, Rosemarie Tully and Brian Malkin. The Section Caucus has issued a statement that the NYSBA finances shall be adversely affected for the foreseeable future since all programming will be virtual, with all revenue going to NYSBA itself.

#### 2.5 NYSBA Health Law Section COVID-19 Recommendations.

The recommendations included mandatory COVID-19 vaccinations, which has become a controversial issue. Any decision regarding the report and its recommendations has been tabled until the November 2020 meeting of the NYSBA House of Delegates. The Chair requested that EASL EC members review the report (especially the mandatory vaccination proposal) and the EC can discuss it at the next meeting in September 2020.

#### 2.6 Program Sponsorships.

The Chair submitted the NYSBA guidelines and procedures for program sponsorships, which have become more important given the financial strain across all Sections due to the pandemic. Any revenue from program sponsorships are retained by the Section. Program sponsors cannot be in competition with NYSBA existing sponsors such as insurance.

#### 2.7 Covid-19 Legal Programming.

The Chair noted that NYSBA is looking for more Covid-19 related legal programming, especially co-presentation or co-sponsorships by more than one EASL committee.

Robert Seigel (Secretary) stated that the Motion Picture Committee is planning a panel for September concerning reopening motion picture production which would address such issues as the safety protocols, insurance and the unions such as SAG-AFTRA.

Judith Bass stated that the Literary Works Committee is planning a discussion concerning business disruption in the publishing industry, especially on publishing contracts, that will address such issues as force majeure, termination and reversion rights.

Donna Frosco noted that if any programming has an international law aspect to it those planning such programming should contact her on behalf of the International Law Committee.

#### 2.8 Need for Chairs for Certain EASL Committees.

The Chair has noted that there are no chairs for the Fashion Law Committee, the In-House Committee and the Television and Radio Committee.

#### 2.9 CASE Act.

The Chair discussed the proposed small claims court administered through the U.S. Copyright Office for which there is a bill still under congressional review. Steve Richman stated that he spoke with Congressman Jerry Nadler who acknowledged that the CASE Act is not on the calendar currently. Steve Richman and Judith Bass have been involved in monitoring the progress of the CASE Act.

### 3. Committee Reports.

#### 3.1 Sports.

Sports Committee Co-Chair Jeff Aber stated that the webinar addressing the impact of Covid-19 on the sports industry on June 10<sup>th</sup> went very well, and that a webinar is being planned for September 2020 on a topic TBA. Sports Co-Chair Jill Pilgrim stated that the June 10<sup>th</sup> webinar's speakers included the general counsels for such organizations as the NCAA, the U.S. Equestrian Federation and USA Baseball, a professional tennis player and a sports agent. The Sports Committee is planning a "Brown Bag" lunch panel concerning Sports and ADR (possibly with the ADR Committee), which could be a possible sponsorship opportunity addressing the topic of basketball arbitration with date TBA.

#### 3.2 ADR.

Judith Prowda noted there was a June 11<sup>th</sup> virtual ADR Committee program with Simeon Baum concerning negotiating skills that was very interactive and a great success. The ADR Committee is also planning a proposed program with JAMS addressing insurance and event cancellation with a Los Angeles-based attorney named Ken Freudlich as a possible speaker and JAMS' Peter Wooden possibly to moderate the panel with details to be TBD.

#### 3.3 Fine Arts.

Judith Prowda shall be listed as a Fine Arts Committee Co-Chair along with Co-Chairs Carol Steinberg and Paul Cossu. Paul Cossu stated that a "Brown Bag" discussion is being

scheduled to address challenges confronting galleries during the time of coronavirus on July 16<sup>th</sup> with the director of the Chelsea Gallery. The discussion would address “brick and mortar” issues and on-line transactions. Carol Steinberg stated that she has spoken with the New York Foundation for the Arts and Volunteer Lawyers for the Arts for an Introduction to Artists Rights webinar concerning three cases every artist should know, dealing with such topics as moral rights and fair use.

#### 3.4 Music.

Rosemarie Tully stated that a subcommittee was formed comprised of former EASL Chairs to discuss the forthcoming Music Business Law 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 three to four separate online panels to address music law basics, including the Music Modernization Act, music licensing, financial issues and music litigation issues.

#### 3.5 Publications.

Elissa Hecker stated that the upcoming Spring edition of the EASL Journal is available online and the Summer issue of the EASL Journal should be ready to be published. Hopefully physical copies should be available since the NYS PAUSE program has been lifted. The deadline for the Fall-Winter issue is July 10th. The upcoming issue is dedicated to Judith Bresler and contains several tributes to her. There is a request for COVID-19 material for upcoming issues concerning “opening up” and workforce issues throughout NYS since different areas are at different phases.

#### 3.6 Pro Bono.

Elissa Hecker discussed with the Chair the possibility of pro bono programming with such organizations as Volunteer Lawyers for the Arts and The New York Foundation for the Arts, as well other arts organizations such as the Actors Fund and the Authors Guild. Elissa Hecker stated that programs covering such issues as contracts, artists’ rights, copyright, immigration, and real estate and housing are ready for presentation with powerpoint slides.

#### 4. New Business.

Judith Bass discussed the status of the “right of publicity” bill introduced to the NYS legislature which addresses, in part, the right of publicity for deceased individuals 40 years after their deaths and rights concerning sexually explicit digital depictions. The bill is still being addressed by the NYS Finance Committee with amendments to the bill still being discussed by the legislature.

5. Adjournment. Upon motion unanimously approved, the EC meeting was adjourned at 1:50 p.m.

The next EASL EC meeting is scheduled for Wednesday, September 16, 2020.

Respectfully submitted,

Robert L. Seigel, EASL Secretary