

ENTERTAINMENT, ARTS & SPORTS LAW SECTION

Executive Committee Meeting – January 6, 2021 12:30 –2:00pm

Minutes of EASL EC Meeting

Attending by Virtual Conference/Telephone: Jeff Aber, Dana Alamia (NYSBA), Anne S. Atkinson, Jason P. Baruch, Judith Bass, Ethan Bordman, Brian Caplan, Louise Carron, Isaro Carter, Paul Cossu, Cheryl Davis, David Faux, Joan Faier, Les Greenbaum, Elissa Hecker, Marc Jacobson, Kathy Kim, Diane Krausz, Christine-Marie Lauture, Anne LaBarbera, Paul LiCalsi, Bennett Liebman, Olivera Medenica, Jill Pilgrim, Judith Prowda, Steve Richman, Sarah Robertson, Stephen Rodner, Robert Seigel, Barry Skidelsky, Simone Smith (NYSBA), Carol Steinberg, , 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 December 2020.

The December 2020 minutes were approved by EC Board.

2.2 EASL Diversity Plan.

The EASL Diversity Plan is due January 29, 2021. The Chair stated that he will be preparing a draft of the Diversity Plan and he will be speaking with the Diversity Committee members. The draft Diversity Plan would be circulated to the EC for comments during the upcoming weeks.

2.3 EASL Minutes on NYSBA Website.

The EASL EC minutes shall be placed in the EASL section of the NYSBA website going forward so that EASL EC members can review and reference them.

2.4 EASL EC Secretary Position Open.

The Chair noted that that the Secretary position is still open. The Chair noted that this is Robert Seigel final meeting as Secretary and the Chair thanked him for his services as Secretary for the past year. The Chair stated that he is looking for volunteers for the position especially younger EC members.

2.5 Digital Entertainment Committee.

The Chair stated that Andrew Seiden has resigned as Co-Chair of the Digital Entertainment Committee but he will serve as an EASL EC member-at-large. The Chair had contacted Co-Chair Sarah Robertson concerning the appointment of a new Co-Chair. The Chair noted the importance of the committee in such areas as esports and video games.

Judith Bass mentioned that there has been prior discussion of the possibility of consolidating the Digital Entertainment Committee with the Television and Radio Committee. The Chair placed the possibility to a vote of the EC and it passed without opposition. The Chair stated that he would inform Sarah Robertson of the newly formed committee and inquire whether she would want to be a Co-Chair of such committee.

2.6 EASL Blog,

The Chair commented that EASL Blog is not easily accessible on the NYSBA website and Dana Alamia stated that she would look into the matter.

3 EASL Phil Cowan/Judith Bresler Memorial Scholarship.

Dana Alamia stated that she has received approximately six submissions to the scholarship competition but none of the faculty has sent submissions.

The Chair asked Scholarship Committee Co-Chair Ethan Bordman to send a reminder for submissions since the deadline is Friday, January 8, 2021. Ethan Bordman also thanked those EC members who are judging the submissions and that the entries should be graded and returned in a timely manner due to the tight deadline.

4. Annual Meeting Sponsorships.

The details for all of the EASL panels have been finalized.

Dana Alamia stated that approximately 17 attendees have registered. Overall registration for the Annual Meeting is down compared to last year's Annual Meeting.

Anne Atkinson asked if the Annual Meeting discount could be extended.

The panels are as follows;

Tuesday, January 19, 2021

The Impact of Covid-19 on Sports; A Legal Perspective - Part II

This panel, an update from the June 10th panel: The Impact of Covid-19 on Sports; A Legal Perspective – Part I, will provide an update on and insight into how athletes, coaches, sports teams, and sports leagues are operating nationally and internationally with the Covid-19 pandemic. The panelists will emphasize the legal aspects of how sports industry individuals and entities have adjusted to the impact of the pandemic on their routines, revenues, and operations.

Speakers:

Derrick Crawford, Esq. Managing Director of Enforcement, NCAA

Íñigo de Lacalle, Esq. Senn, Ferrero, Asociados Sports & Entertainment

Brian D. Stanchak Founder and President, The BDS Agency

Stephen Starks, Esq.

Counsel, Bryan Cave Leighton Paisner LLP

(Former IndyCar Series Vice President of Promoter and Media Relations)

Moderator: Jill Pilgrim, Esq.

Dispute Resolution in the Arts in the Time of Corona Virus and Beyond

A deep dive into the use of mediation and arbitration of disputes in the arts industry during these extraordinary times.

Challenges in dispute resolution during the pandemic present new opportunities for lawyers and their clients. This program will give you a new perspective on mediation and arbitration in the arts industry, both now and in the future.

Speakers:

William L. Charron, Esq. Pryor Cashman LLP

Paul Cossu, Esq. Olsoff Cahill Cossu LLP

Luke Nikas, Esq. Quinn Emanuel Urquhart & Sullivan LLP

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

Moderator:

Judith B. Prowda, Esq.

Dispute Resolution in the Entertainment Industry in the Time of Corona Virus and Beyond

A deep dive into the use of mediation and arbitration of disputes in the entertainment industry during these extraordinary times.

Challenges in dispute resolution during the pandemic present new opportunities for lawyers and their clients. This program will give you a new perspective on mediation and arbitration in the entertainment industry, both now and in the future.

Speakers:

Laverne Berry, Esq. Berry Entertainment Law

Theo Cheng, Esq. ADR Office of Theo Cheng

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

Michael D. Young, Esq. JAMS

Moderator:

Justice Barbara Jaffe Supreme Court of the State of New York

Tuesday, January 26, 2021

Writing Wrongs: Promoting Diversity and Inclusion in Book Publishing - Industry Background, Cultivating New Readers and Writers, and Working in Publishing

This panel will examine systemic bias and other impediments that have permitted racial inequality and injustice to continue in book publishing. There will be a discussion of the current state of the publishing industry, the path to publication and perspectives of those in the industry.

Speakers:

Amanda Armstrong-Frank, Director, Workplace Culture and Diversity Initiatives, Simon & Schuster, Inc.

Jalissa Corrie, Marketing and Publicity Manager, Lee & Low Books, Inc.

Annysa Polanco, Director, Diversity, Equity & Inclusion, Penguin Random House LLC

Krishan Trotman, Vice-President, Publisher of Legacy Lit, Hachette Book Group, Inc.

Moderators:

Cheryl L. Davis, Esq., General Counsel The Authors Guild

Michael Mejias Founding Director, Writers House Intern Program; Founding Executive Director, Inkluded

Writing Wrongs: Promoting Diversity and Inclusion in Book Publishing - The Role of Lawyers and the Law in Diversity Initiatives from the Perspective of General Counsel and Outside Counsel

In follow up to the preceding panel on “Writing Wrongs,” the role of in-house and outside counsel in dealing with systemic bias and other impediments that have permitted racial inequality and injustice to continue in book publishing will be examined. There will be a discussion of the positive changes that have been implemented to combat these issues thus far, as well as specific, recommended actions that can be taken going forward.

Speakers:

Veronica Jordan, Esq., Executive Vice President and General Counsel Simon & Schuster, Inc.

Min Lee, Esq., Senior Vice President and General Counsel Hachette Book Group, Inc.

Jessica Moldovan, Esq., Adjunct Professor, NYU School of Law/ Lief Cabraser Heimann & Bernstein, LLP

Anke Steinecke, Esq., Executive Vice President, Chief Legal Officer and General Counsel, US Penguin Random House LLC

Joshua Zuckerberg, Esq., Pryor Cashman, LLP

Speakers from the “Industry Background” panel will join as well.

Moderators:

Cheryl L. Davis, Esq., General Counsel The Authors Guild

Michael Mejias, Founding Director, Writers House Intern Program; Founding Executive Director, Inkluded

Anne Atkinson mentioned the possibility of the EC providing an honorarium to purchase books written by a possible author panelist.

Judith Bass mentioned that some possible panelists have passed due to a lack of honorarium.

The Chair stated that such honoraria such as \$100 for a non-attorney author panelist would have to come from the EASL budget.

The Chair reminded the program chairs to make sure that sound and video technical checks are done approximately an hour before the panels.

The Chair stated that Iberiabank as a Gold Sponsorship for the Annual Meeting will provide a brief introduction and that the New York Bar Foundation will make a two-minute presentation before each section of the Annual Meeting.

The scholarship presentation will occur before the diversity panels.

5. Committee Reports.

5.1 Pro Bono.

Carol Steinberg noted that there will be an introduction to artists' rights webinar for the New York Foundation for the Arts (NYFA) in May 2021

Carol Steinberg stated that she on behalf of the Pro Bono Committee and Judith Bass on behalf of the Literary Works and Related Rights Committee will be having a program for NYFA in June 2021 concerning the right of publicity. The panel would address the right of privacy, the use of image and an update on the recent NYS right of publicity legislation.

Elissa Hecker noted that a virtual legal clinic is scheduled for NYFA in March 2021.

5.2 Right of Publicity.

The Chair stated that there will be a CLE webinar concerning the new NYS Right of Publicity legislation in late February 2021.

5.3 Fashion Law.

Chair Olivera Medenica noted that there will be a fashion luminaries series with the first discussion featuring Jeffrey Hellman who is the VP of Mergers & Acquisitions at PVH Corp. which owns Calvin Klein, Tommy Hilfiger and Heritage brands as well as two additional speakers. She also mentioned the possibility of EASL non-financially co-sponsoring the Federal Bar Association fashion law conference in February 2021.

5.4 Publications.

Elissa Hecker stated that next deadline for the Spring EASL Journal is January 22, 2021.

6. Adjournment. Upon motion unanimously approved, the EC meeting was adjourned at 1:38 p.m.

The next EASL EC meeting is scheduled for Wednesday, February 3, 2021.

Respectfully submitted,

Robert L. Seigel, EASL Secretary