

## ENTERTAINMENT, ARTS & SPORTS LAW SECTION

Executive Committee Meeting – February 3, 2021 12:30 –2:20pm

### Minutes of EASL EC Meeting

**Attending by Virtual Conference/Telephone:** Andrew Seiden, Anne Atkinson, Anne Labarbera, Barry Skidelsky, Barry Werbin, Bennett Liebman, Bob Seigel, Carol J. Steinberg, Christine-Marie Lauture, Dana Alamia, David Faux, Diane Krausz, Donna Froscio, Ethan Bordman, Innes Smolansky, Isaro Carter, Jason Baruch, Jeff Aber, Jill Pilgrim, Joan Faier, Judah Shapiro, Judith Bass, Judith Prowda, Kathy Kim, Les Greenbaum, Marc Jacobson, Mariam Chubinidze, Olivera Medenica, Paul Licalsi, Richard Lewis, Rosemarie Tully, Sarah Robertson, Steve Richman, Steve Rodner

#### 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 January 2021.

The January 2021 EC minutes were under discussion concerning the accuracy of the speakers lists for the Annual Meeting in January. Many changes occurred regarding the information recorded in the January EC 2021 minutes.<sup>1</sup> The January 2021 EC minutes, with proposed revisions, were approved by the EC.

##### 2.2 EASL EC Secretary Position.

The Chair noted that Isaro Carter, formerly a Law Student Committee Co-Chair, is now the EASL EC Secretary.

##### 2.3 EASL Law Student Committee Co-Chair.

The Chair noted that the new Co-Chair of the Law Student Committee is Mariam Chubinidze. The second Co-Chair position was still open as of the February 3 EC meeting date.<sup>2</sup>

#### 3. Annual Meeting recap by program chairs.

<sup>1</sup> The referenced changes are reflected on the Sports, Fine Arts, and Diversity Committees' Speakers Lists in the January 2021 minutes.

<sup>2</sup> Subsequent to the February 2021 EC meeting, Rachel Aichelmann (Brooklyn Law School 2020), became second Co-Chair of the Law Student Committee.

### 3.1 Registration Count.

The Chair asked Dana Alamia what the final registration count was. Dana Alamia stated that the final registration count for both days was 80, registrants and speakers included.

### 3.2 Speaker/Panel Evaluations.

Anne Atkinson asked the Chair about panel speaker evaluations and access to them. Jason Baruch stated that panel evaluations are much less detailed than previously, and speakers are evaluated as a whole and no longer individually.

Dana Alamia stated that she could download the evaluation responses and distribute them to the speakers of each panel. Anne Atkinson suggested that we send the responses to the Co-Chairs of each section that hosted a panel to screen the responses before distribution.

Barry Skidelsky suggested a standard practice of having a survey after each meeting and having responses distributed to all relevant Section Chairs, then to the EASL Executive Committee, and eventually to the speakers themselves.

### 3.3 Diversity Committee.

Anne Atkinson thanked Judith Bass and Joan Faier for their contributions to the success of the panel. Judith Bass noted that the programs went over well, and panelists did an excellent job highlighting the current landscape of diversity in book publishing from a legal perspective and social perspective. Judith also noted that this is the first time NYSBA recorded Annual Meeting programs so that they are available to watch on-demand.

Anne Atkinson will be sending the Chair the action items presented in the Diversity Committee's programs to share with the broader EASL member community. She also suggested sending the CLE materials from the January 26th program to the broader EASL member community. The Chair suggested including these materials in the EASL Diversity Report to distribute to the entire member community.

Barry Skidelsky mentioned the honorarium issue from the January meeting. Anne Atkinson clarified that the Diversity Committee had expected to have to offer an honorarium to speakers but ending up not having to do that. Judith Bass explained that non-lawyer speakers tend to expect honorarium, and we should keep this in mind when extending invitations to speak.

### 3.4 Sports Committee.

Jill Pilgrim thanked the Chair for helping find a last-minute substitute panelist, Bernhard Welten. Jill noted that the program theme was how sports were faring worldwide in the age of COVID and that it was insightful and exciting.

Jeff Aber mentioned EASL's Sports Law Section to students at PACE and asked how he could get students involved with EASL. The Chair told Jeff he could contact Dana Alamia, Mariam Chubinidze, and Rosemarie Tully. Rosemarie confirmed.

### 3.5 Fine Arts Committee.

Judith Prowda noted she moderated the Fine Arts Panel and that it went very well. Judith also noted the panelists for the Fine Arts Panel were litigators who had experience with mediation and the panelists for the Entertainment Panel were mediators with experience in entertainment, which made for two well-balanced discussions. Carol Steinberg stated that the Fine Arts panel was very lively. Judith Prowda thanked Carol, Kathy Kim, and Paul Cossu for their efforts to bring the panels together.

The Chair noted again that there would be a footnote in the January minutes recognizing the panelists' efforts and all Co-Chairs for making these programs a success. The Chair made a point to thank Dana Alamia and Simone Smith for making sure everything always runs smoothly.

### 3.6 Sponsorships.

The Chair noted that we did an excellent job on sponsorships. Iberia Bank gave \$10,000 for their annual commitment, JAMs was our Silver Sponsor at \$1,500, and we had three \$750 Bronze Sponsorships collectively totaling \$13,750, which Treasurer Kathy Kim confirmed.

The Chair asked whether NYSBA confirmed they put the total amount in EASL's bank account. Kathy Kim stated that she does not have access to the account and deferred to Dana Alamia on the account's status.

Dana Alamia stated that she had not yet received updated financial statements from NYSBA but noted that NYSBA codes sponsorship proceeds differently from registration proceeds and processes them separately. Dana stated it is likely that NYSBA deposited the money, as it should have been, because of the different collection methods.

The Chair noted that Kathy Kim should then follow up to make sure the money is in the account.

## 4. Phil Cowan and Judith Bresler Memorial Scholarship:

### 4.1 Final awards report from Scholarship Committee.

Ethan Bordman reported that the committee received 16 submissions from various schools, and there were a few schools from which they did not receive any submissions. Most submissions were from Fordham, and the two winners were from Fordham. Ethan noted that the winners received certificates and checks (\$2,500) virtually.

The Chair noted that COVID might be why there were only 16 submissions and then inquired about how many submissions EASL received last year. Mariam Chubinidze suggested that many students may not have known that the Scholarship competition was even happening.

Christine-Marie Lauture noted that most of the submissions were from Fordham and St. John's, one was from NYU, one from Brooklyn, one from UPENN, one from Hofstra, and one from Rutgers.

Carol Steinberg asked if the Scholarship money had to go to tuition only and could the money go to the students themselves. Ethan Bordman confirmed that the check goes directly to the school to be applied towards the students' tuition. Barry Skidelsky agreed with Carol Steinberg that the money should go to the students themselves.

The Chair suggested that he add an agenda item to discuss this in the March meeting. Barry Skidelsky seconded that idea.

#### 4.2 Opportunity for Young Lawyers Section to promote EASL winners.

Anne LaBarbera reported that in the YLS meeting, they proposed that EASL winners should have the opportunity to publish a shortened version of their paper in the YLS journal as part of their prize.

Judith Bass noted that Elissa Hecker (not in attendance) would need to be looped in on this new idea because the EASL Journal may still require an exclusive first right of publication. The Chair agreed to loop in Elissa Hecker on the matter.

#### 5. Motion and vote for Carol Steinberg to serve as EC Assistant Secretary.

The Chair noted that we do not have an Assistant Secretary but raised a motion nominating Carol Steinberg as Assistant Secretary. Anne Atkinson seconded the motion. Carol Steinberg was voted in unanimously as EC Assistant Secretary.

The Chair stated that anyone who wants to be the EC's Assistant Treasurer should reach out to him offline.

#### 6. NYSBA Diversity Plan draft for EC review.

The Chair noted that he prepared an initial draft of EASL's Diversity Plan, Cheryl Davis and Anne Atkinson provided comments, and they revised the draft to reflect said comments. That draft was circulated to the EC before the February 3rd meeting for any comments and suggestions for editing.

Jill Pilgrim suggested that the end of the Diversity Plan draft should include bullet points

of the action recommendations from the annual meeting to make it is easy to find them.

Barry Skidelsky noted that there might need to be some grammatical corrections in the Diversity Plan draft's first paragraph. He also asked if this was an annual plan to be revised every year.

The Chair stated that the plan was a new initiative instated by NYSBA this year, and a final draft is due February 12th, 2021. The Chair also suggested that regardless of NYSBA requirements, EASL should be updating our Diversity Plan annually.

#### 7. Report on NYSBA Section Caucus Meeting.

Barry Skidelsky stated that on Saturday, January 30th, 2021, the Section Caucus had a meeting before the House of Delegates. Barry Skidelsky noted that the President-Elect of NYSBA, Andrew Brown, made a brief appearance at the meeting. He also stated that the House of Delegates confirmed that NYSBA events and meetings would be exclusively virtual for the foreseeable future.

##### 7.1 CLE Pricing.

Barry Skidelsky noted a discussion at the meeting about CLE pricing and who has the final say on it. NYSBA adjusted the annual meeting prices down at the last minute. The discussion was about whether pricing should be set from the top-down, whether Sections should determine pricing themselves, and whether CLEs should be free for Section members. Barry Skidelsky noted that the House of Delegates raised no solutions to these issues at the meeting.

##### 7.2 NYSBA LGBTQ Committee.

Barry Skidelsky reported that the LGBTQ Committee is now officially a Section. The meeting concluded with the consensus that there needs to be better communication throughout NYSBA.

##### 7.3 NYSBA's Event Marketing Strategy

Judith Bass asked Barry Skidelsky whether there was a discussion about publicizing NYSBA programs. Judith noted that the publicity effort for the Annual Meeting programs was not good and that it does make sense to publicize events on the two separate days together. Judith suggested that they could have had greater attendance for their Diversity in Book Publishing event if marketed on its own for the Diversity Committee. Judith also made clear that no blame was on Dana Alamia or Simone Smith.

The Chair agreed that NYSBA should have bifurcated marketing of the events.

Carol Steinberg attested that she had a similar experience to Judith Bass and the Chair when planning a Fine Arts program in the past.

Anne Atkinson stated she had a similar experience and drew up an agenda to distribute to the Diversity Committee herself.

Barry Skidelsky noted that the marketing strategy was not discussed at the Section Caucus meeting but asked Judith to email him about her grievances to send it along to the Section Caucus.

The Chair noted that we have to do the same thing with addressing these marketing issues that we did with adjusting the Annual Meeting prices.

#### 8. Virtual Pro Bono Clinic with IP Section.

The Chair reported, on Elissa Hecker's behalf, that there will be a virtual pro bono clinic on March 17th, 2021, from 10 a.m.-12 noon. An email will follow with more information. The Chair also reported that the first issue of the 2021 Journal is in progress and the submission deadline passed.

We will address Dance/NYC's 2021 Symposium at the next EC meeting on March 3rd, 2021.

#### 9. Publicity, Privacy, and Media Law Committee CLE Webinar.

David Faux reported that the new NY Right of Publicity Act webinar (February 22nd, 2021 at 12:30 p.m., 1.5 CLE) is officially titled *Stealing your Image and the Grateful Dead: Amendments to the NY Right of Publicity Law.*

Speakers:

Prof. Jennifer Rothman, *University of Pennsylvania Carey Law School*

Sara Howes, Esq., *formerly of SAG-AFTRA*

Daniel Szalkiewicz, *Daniel Szalkiewicz & Associates, P.C.*

#### 10. Influencer Agreements New Proposed Program.

##### 10.1 Influencer Agreements Program.

Diane Krausz reported that she and Rosemarie Tully are putting together a panel of lawyers to speak about influencer agreements' novelties and intricacies.

Rosemarie Tully noted that they also want to discuss animal influencers because it is interesting to wonder how you sign a binding agreement for an animal. Rosemarie opened it up to the EC, asking if it would be a good idea.

Judith Bass noted that EASL did a panel like this before, four years ago, with Sarah Robertson. Judith also suggested that Rosemarie and Diane include the Digital Entertainment Committee in the planning of this event and contact Sarah Robertson about it. Rosemarie agreed and said she would be in touch with Sarah and the Digital Entertainment Committee.

Jill Pilgrim suggested EASL member Merlyne Jean-Louis as a panelist for the influencer agreement program.

#### 10.2 NYSBA Association Meeting report.

Rosemarie Tully reported that the Association's Treasurer commented how unpleasant it was to continually hear about the Sections asking about the CLE money that used to run to them. Rosemarie reported that the Treasurer said the Sections wouldn't receive the CLE money until they pay for the staff costs associated with programming. She also suggested that EASL shift its focus more to sponsorships.

Barry Skidelsky stated that historically the Sections covered travel expenses for Association staff from Albany.

Rosemarie Tully reasserted that it would be best for us to focus on making CLEs affordable to members. The Chair noted that, ultimately, NYSBA is the CLE provider, and they would have the final say on pricing.

### 11. Committee Updates.

#### 11.1 Fine Arts and Pro Bono Committees.

Carol Steinberg stated that these committees are working on a program with Artists Rights Society on estate issues for artists. It will not be a CLE event because it is primarily for artists, but lawyers will find it interesting.

One lawyer will talk about the nuts & bolts of estate planning for artists, another about how they work with estates, another about licensing issues through an estate, and another will talk about artist legacy issues. Carol notes that the program will be free and is scheduled for May 12th, 2021, at noon.

#### 11.2 NYFA Programs.

Carol Steinberg mentioned that there would be an artist rights program in mid-May and a right of publicity program (with Judith Bass) in June, geared towards artists and writers.

The Chair asked if the May and June events would be free for NYFA members and how NYFA will promote them. Carol confirmed that the event would be free for NYFA members and ARS.

11.3 Theatre and Performing Arts Committee.

Kathy Kim reported that her committee would be doing virtual office hours to have facetime with members as the committee has been growing. This committee is still working on a program that would make sense, considering all performance venues are still closed.

12. Adjournment.

Upon motion unanimously approved, the EC meeting was adjourned at 2:20 p.m. The next EASL EC meeting is scheduled for Wednesday, March 3rd, 2021, at 12:30 p.m.

Respectfully submitted,

Isaro L. Carter, EASL Secretary