

ENTERTAINMENT, ARTS & SPORTS LAW SECTION

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

Minutes of EASL EC Meeting

Attending by Virtual Conference/Telephone: Andrew Seiden, Anne Atkinson, Anne La Barbera, Arlen Appelbaum, Barry Skidelsky, Barry Werbin, Bennett Liebman, Bob Seigel, Brian Caplan, Carol J. Steinberg, Cheryl Davis, Christine-Marie Lauture, Dana Alamia, David Faux, Diane Krausz, Donna Frosco, Elissa D. Hecker, Ethan Bordman, Isaro Carter, Jared Leibowitz, Jason Baruch, Jeff Aber, Jill Pilgrim, Joan Faier, Judith Prowda, Judy Bass, Kathy Kim, Marc Jacobson, Mariam Chubinidze, Olivera Medenica, Paul Cossu, Paul LiCalsi, Rachel Aichelmann, Richard Lewis, Rosemarie Tully, Sarah Robertson, Simone Smith, Steve Rodner, Steven Richman

1. Welcome and Approval of EASL Minutes for February 2021.

Barry Werbin (EASL Chair) called the Zoom virtual meeting to order at 12:35 pm and welcomed everyone in attendance. The February 2021 EC minutes, as most recently revised, were approved by the EC. Dana Alamia mentioned the minutes are available on the EASL page on the NYSBA website and the EASL Community Forum.

1.1. NYSBA request for Section Q2 events to be disclosed by March 19.

The Chair addressed the NYSBA request and mentioned that there is an upcoming Fashion Law Committee program. The Chair also stated that the EASL Executive Committee would address all plans for spring programs during the Committee presentation segment late in the meeting.

Anne Atkinson asked whether “plans” included regular committee meetings or programs as well. The Chair replied that “plans” included programs only (e.g., CLE Programs, non-CLE public events), Dana Alamia confirmed.

Dana also mentioned that the spring program forms included in the Agenda materials primarily serve to help NYSBA’s marketing team be more organized and have a heads up as to the programs that may be coming down the line. Moving forward, these forms will be provided ahead of each quarter.

2. Financial Report (Kathy Kim, Treasurer).

The Chair noted that the financial reports are only updated through the end of 2020; we have yet to be provided with month-to-month reports for 2021.

Kathy Kim added that we do not yet have the financial reports from Q4 of 2020, and this means that the report she is presenting today stands to change once Q4 report is factored in. Kathy then shared a reformatted financial report for the convenience of the EC. Kathy reported that EASL's 2020 income (not accounting for what may change due to the Q4 2020 report), is

\$40,759.33. She noted that the meeting income (displayed on the shared screen), would be adjusted for refunds (mainly from CTI registration) and thus be a little less than the number reflected, although that number will remain \$4,976 in the 2020 financials.

Kathy then dove into EASL's expenses for 2020, which came up to a total of \$58,486.05. She explained that most of the expenses tied back to the 2020 Annual Meeting as it was in-person. The total expenses and total income resulted in a net loss of \$17,726.72. The EASL bank account's total before 2020 activity was \$97,326.00, and through this net loss, the account is down to \$79,599.28.

The Chair asked Kathy whether the report is still not reflecting all the sponsorship payments because they came in 2021. Kathy confirmed and stated that the \$4,250 figure currently reflected in the financial report is exclusively the MBLC program's market share.

The Chair asked for the final count on all the sponsorships, and whether that would bump up the actual total in the EASL bank account, Kathy confirmed that the number was \$13,750 and it would be part of 2021 financials. Dana mentioned that all of the money from EASL sponsorships had been submitted as well.

3. Phil Cowan and Judith Bresler Memorial Scholarship financial award payments.

3.1. Discussion and possible resolution on whether or not to make award payments directly to students rather than their schools.

The Chair brought up losing 3L students in their final semester because EASL paid the scholarship award money directly to the school for their tuition.

Ethan Bordman mentioned the possibility that if a 3L won and the money went to the school for their tuition, they would get a refund if they had already paid off their tuition. He also mentioned that our EASL EC could vote to change how the award money is paid to students.

Barry Skidelsky pointed out that at the last in-person Annual Meeting, the students were paid directly by check.

The Chair noted that he wasn't aware of any mandates from NYSBA on how any scholarship competition money should be distributed. Dana confirmed that NYSBA doesn't have any mandates on the matter. She mentioned that if the scholarship money was awarded through the Foundation, things might be different, but that is not the present situation.

Steven Richman asked whether there would be a tax consequence if EASL were to award scholarship money directly to students. He specifically asked whether we would have to do a 1099 form regarding it.

Carol Steinberg suggested that we let the students decide whether they want the

money paid to them directly or sent to a third party and let them work out the details themselves.

The Chair noted that Carol's idea was a good one and that if a 1099 were necessary, the State Bar would handle it because they issue the checks on behalf of EASL.

Jill Pilgrim noted that when issuing any amount of money over \$600, a 1099 is required. She also noted that the tax issue for students isn't usually a big one considering they are exempt from most things.

The Chair suggested that we wait for the 2022 Annual Meeting and decide what to do about student payment when planning the scholarship program for the Annual Meeting.

4. EASL Diversity Plan submitted (to be published in the Spring EASL Journal). Chair + Anne Atkinson, Cheryl Davis (Diversity Committee).

4.1. Discussion about EASL Diversity plan itself.

The Chair stated that the EASL Diversity plan was submitted and thanked Cheryl Davis for the Diversity Committee's efforts to get that done. He also mentioned that the EASL Diversity plan would be published, in full, in the upcoming EASL Journal. Anne Atkinson also acknowledged Kathy Kim and Arlen Appelbaum for their contributions to the plan.

Jill Pilgrim suggested that we (EASL) hold ourselves accountable for that plan by having a six-month or annual check-in. In the same vein of accountability, Jill also put forth the idea of having program planners check-in with the Diversity Committee since we're saying we're making extraordinary efforts to ensure all EASL panels are diverse.

The Chair agreed with Jill's suggestion and stressed the need to attract more diverse members of EASL itself.

4.2. Discussion about implementation of EASL's Diversity plan and accountability.

Arlen Appelbaum mentioned that the metrics we use to track membership demographics are not up to date. The Chair acknowledged this and stated that this has always been a problem because of the nature of the NYSBA surveys and the lack of responses. The Chair also said that regardless of the lack of numbers, it is still important to keep all of what Jill said in mind moving forward.

Steven Richman mentioned how the importance of collecting the demographic statistics is always included in the NYSBA President's message. He also mentioned that the issue has come up in the House of Delegates over the years but that there is no way to mandate that members respond to surveys. Steve also suggested that we encourage our members to fill out the survey through more distinct, individualized measures. The

Chair agreed.

Steve suggested that we move away from combining the demographic survey with renewals. Andrew Seiden said that combining the survey with renewals may be a problem because the bigger law firms renew their employees in bulk like they do at his firm. He also said that he never even receives the survey because of this practice. Barry Skidelsky responded that this suggests that each section should send an email to its members directly concerning the survey.

The Chair said he and Dana would follow up with Albany to get these suggestions instituted. If the Chair can't address it in the March 4th meeting for the Section Chairs, Steve Richman suggests it be added to the Section's Caucus in April. The Chair agrees but will still bring it up in the Chair's meeting.

Barry Skidelsky asked what Judicial District 99 is. Dana Alamia responded that this is the Judicial District that members fall under when they are not in a judicial district we know of or out-of-state members. Steve Richman confirmed that Judicial District 99 is the designation for out-of-state members.

5. Publicity, Privacy and Media Law Committee - New NY right of publicity law webinar held on Feb. 22, 2021.

5.1. Recap - Ned Rosenthal and David Faux, Co-Chairs.

David Faux recapped that Professor Jennifer Rothman and Ned Rosenthal spoke about deep fakes during this program, and Professor Rothman spoke on the right of publicity amendments more generally. David explained that the amendments are specific to post-mortem rights. He also reported that about 100 people attended, 98 people were in attendance at the program's peak, and the conversation went smoothly. David also reported that they haven't yet received any feedback from anyone.

Dana Alamia mentioned that evaluations need to be manually downloaded and she will look into the ones that may be populated for this program. She also mentioned that she is still working on the CLE credits from the Diversity panels that the Chair brought up.

The Chair addressed that if you are only a moderator on a CLE panel, you do not get triple CLE credit for your attendance. Dana clarified that if you're moderating, you get attendee credits; you don't get speaker credits. As a panel moderator, you're treated like an attendee. If you're a speaker on a panel as well, you get triple credits. Dana also referred back to the earlier question about Judicial District 99—she added that this group also includes members located outside of the country.

6. In-Person CLE Programs for Q4.

The Chair brought up a recent inquiry concerning potential in-person programs for Q4. Dana continued and confirmed that this was brought up in a NYSBA staff meeting. She stated that she was bringing it up to have the EC think about it. She also mentioned that many things

are still not concrete, but we can begin thinking about such programs.

The Chair noted that our usual Q4 programs are a Fall meeting and the MBLC. He also noted that the law schools where we usually host these meetings and conferences may not be open yet. The Chair also mentioned the annual theatre program may still be possible at the end of the year.

Steven Richman mentioned that the State recently announced that beginning April 2nd, the Governor will be allowing indoor programs up to a hundred people with social distancing and the venue at 33% capacity. He said that while this may not allow for the annual meeting, the annual theatre program may be possible under these regulations.

Ethan Bordman mentioned the vaccine passport program and how that may be useful for regulating in-person events, namely the MBLC. Rosemarie Tully stated it would be hard to plan a full-day program without confidence in holding a full day's program. She added that we might have some video events for the MBLC and then maybe a two-hour live program in November.

The Chair reiterated that this conversation was truly for information purposes right now because strict lockdowns are still in effect, and he doesn't know when that will change.

7. Spring Meeting Planning

The Chair brought up the fact that it is time to start planning the Spring Meeting, which will be virtual. He suggested the date be in May or June. He also asked whether allowing EC members to volunteer to be on the planning committee was the best route.

Steve Rodner volunteered that he would speak to Stan Soocher if we'd like to have him again. The Chair gave Steve the go-ahead on reaching out to Stan as he mentioned EASL would love to have him back. He also asked Dana and Simone if dates were open for May and June. Dana checked the calendar but believed the calendar was pretty open for now.

Jill Pilgrim mentioned that the Sports Committee is planning to have a sports panel for the Spring Meeting. She said they are planning to do a pre-Olympic panel because we may or may not have the Olympics or have an Olympics in a non-traditional format. The Chair mentioned that this was a good idea and that this was a program put off last fall. Jill then asked about doing a program on sexual harassment, and other issues about gymnastics and other sports, specifically about coaches and the minor's they are responsible for. She then asked the EC whether they would prefer a panel on athletes and sexual assault or athletes in the Olympics.

Elissa Hecker asked about gender in the Olympics as a topic to address as well and whether it would be addressed at all. Jill expressed her preference not to have it as a separate topic because it is sure to come up in any conversation on the Olympics. Jill also asked Jeff Aber his opinion on the matter.

Jeff Aber suggested that we can also have a panel on the path to the Olympics, the fact that it was canceled last year, and the path that is now being taken to the extent that it will

continue to be held. He suggested that he and Jill discuss the program offline and then return to the group once they've figured it out.

The Chair mentioned that the Sports Committee could co-sponsor a program with another committee that was addressing issues of gender and discrimination and then focus their program on the Olympics itself.

Steven Richman suggested that if we were going to do topical programs, we could do a panel on reopening entertainment, arts, and sports in New York. The Chair acknowledged that this was a great idea and emphasized that the planning committee would be necessary to flesh all of this out. He also mentioned that if any EC members had any specific ideas, we could email them to him and Dana. Then we can vote on the topics to choose what programs will be put on. The Chair also mentioned that we would need several people to volunteer to help with this planning—an email reminder will be sent.

8. Dance/NYC's 2021 Symposium update. Elissa Hecker.

Elissa Hecker stated that the Dance/NYC clinic would be on March 17th from 10 am-12 pm. She reported 20 volunteers, and the symposium is virtual and will be three full days long. She also reported that the volunteers are getting a full access pass to every single program, including personal information in the printed and online materials, and they can attend any of the speakers and panels in addition to volunteering. Finally, she thanked all the volunteers as well.

9. Journal Publication Status. Elissa Hecker.

Elissa Hecker then reported that the spring issue of the EASL Journal is big. There are 15 articles plus transcripts. She reported the electronic version would be out in April, the published version will be out in May, and the next deadline for the summer issue is April 30th. The summer issue will have a June publication date. Elissa mentioned that for the spring issue, we have one article from Judy Bass on the most recent publicity law, the full EASL Diversity Plan, the award-winning scholarship papers, and the transcript from the annual meeting.

The Chair issued a reminder to those who submitted articles to get their author consent forms to Elissa. Elissa confirmed that everyone submitted them already.

10. Committee Updates.

10.1. Fashion Law Committee March 25 program: "Fashion Luminary Series: Covid's Impact On Mergers And Acquisitions In The Fashion Industry" - Olivera Medenica, Chair.

The Chair introduced Olivera. Olivera reported that the Fashion Committee program would be on March 25th. Speakers will be Jeffrey Hellman, the senior VP and assistant GC at PVH Corporation—Calvin Klein and Tommy Hilfiger's parent company. Olivera reported that the Fashion Law Committee is planning on doing a one-hour program, which will be an interview back and forth with him and open the conversation up to audience questions.

Olivera also mentioned that it's not a CLE program, they're planning on making it a free, virtual event, and the interviewer will be a young attorney. She also indicated that the Fashion Law Committee is looking to do three more programs like this one before the summer as a "Fashion Luminaries" series.

10.2. Pro-bono and Fine Arts Committees (Carol Steinberg presenting).

Carol mentioned that the committees are doing a joint program with the Artists Rights Society on legacy issues for artists on May 12th, which will not be for CLE credit. She promised to get the details to Dana. Carol reports that panelists will include Barbara Hoffman, who is an art lawyer and a gallerist. She also mentioned that Judith Prowda got Kathy Battista from Sotheby's to talk about legacy issues.

Carol also mentioned that on May 13th, she would be doing an intro to artist rights seminar at NYFA. In June, Carol mentioned that she and Judy Bass would be doing a right of publicity program at NYFA, but there is no date set yet.

10.3. Motion Picture and Television Committees (Ethan Bordman presenting).

Ethan mentioned that the committees have a call this week regarding potential events. He promised to keep the EC updated.

10.4. Diversity Committee (Cheryl Davis presenting).

Cheryl reported that the committee is having a meeting in a couple of weeks. Still, in the interim, they're also working on a program with the Fashion Law Committee and the Music Committee on a diversity in music program. The Chair asked if this was part of the ongoing diversity series started with the annual meeting, Cheryl confirmed.

10.5. Sports Law Committee (Jeff Aber presenting).

Jeff mentioned that the committee held a meeting and a presentation was made by Michael Cataliotti, whose area of expertise is business immigration. He talked about the different types of visas and applications.

Jeff mentioned that they also talked about a criminal case brought by the US Attorney's office in Massachusetts that concerns several fraudulent visa applications. He also said the program was well attended.

10.6. Law Student Committee Introductions.

Rosemarie Tully introduced the new co-Chairs of the Law Student Committee, Mariam Chubinidze and Rachel Aichelmann.

The Chair mentioned to the co-Chairs that they are the EASL liaison to all law school student bodies—individuals who can easily become EASL members, even beyond the Law Student Committee's scope. He also urged them to find ways to get student membership numbers up because there is a lot of value in EASL membership,

for example, the scholarship program.

Mariam mentioned that she and Rachel recognize their roles as a liaison between NYSBA and all law school student bodies. They plan on launching a big promotion effort so that students are aware of the organization.

Ethan Bordman suggested that when there are upcoming EASL events, Mariam and Rachel can speak before the events to relevant class sessions to promote the events. Mariam noted that lots of students had not been aware that existing papers could be submitted for the scholarship competition. All agree that getting more students involved is a step in the right direction.

11. Adjournment.

Upon motion unanimously approved, the EC meeting was adjourned at 1:47 p.m.

The next EASL EC meeting is scheduled for Wednesday, April 7th, 2021, at 12:30 p.m.

Respectfully submitted,

Isaro L. Carter, EASL Secretary