

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

**Executive Committee Virtual Meeting – (Wednesday) Oct. 6, 2021, 12:30 -2:00 PM  
Minutes of EASL EC Meeting**

**Attending by Virtual Conference/Telephone:** Andrew H. Seiden, Anne Atkinson, Anne LaBarbera, Arlen Appelbaum, Barry Skidelsky, Barry Werbin, Bob Seigel, Carol J. Steinberg, Cheryl Davis, Dana Alamia, Diane Krausz, Donna Frosco, Elissa D. Hecker, Ethan Bordman, Innes Smolansky, Isaro Carter, Jason Baruch, Jeff Aber, Joan Faier, Judah Shapiro, Judith Prowda, Judith Bass, Kathy Kim, Louise Carron, Mariam Chubinidzhe, Olivera Medenica, Paul Cossu, Paul LiCalsi, Rachel Aichelmann Rosemarie Tully, Steve Rodner, Steven H. Richman

1. Approval of Sept. 2021 Meeting Minutes – *Isaro Carter, Sec.; Barry Werbin, Chair; Carol Steinberg, Ass't Secretary.*

Barry Werbin (EASL Chair) called the Zoom virtual meeting to order at 12:37 pm and welcomed everyone in attendance. Revisions were addressed and the September minutes were deemed unanimously approved with the incorporated revisions.

2. EASL's Membership Statistics & Welcome Letters/Events – *Barry Werbin, Chair*

The Chair asked Dana about the differences between the dates posted on the Section membership list. Dana clarified the difference between the “Original Join Date” and “Activated Date”—the latter being updated after a membership lapse is reinstated. The purpose of the two dates is to differentiate between individuals who were already members and brand new members of the section.

The Chair reported that as of September, we have 15 new members. The Chair also mentioned his intent to have the Officers develop and disseminate a welcome letter to new members and encourage them to join a committee. He also suggested that the Committees have new members on their email lists as well.

Elissa Hecker requested that the “Pro Bono Steering Committee” not be an option for sign-up and instead have all EASL members signed up to the Pro Bono Committee. This way, everyone can receive the Pro Bono emails as the offers for participation are open to everyone. Dana requested that Elissa email her about that because she would be able to update the email list.

Steve Richman noted that with our current membership numbers (a little over 1,000),

EASL will still only be entitled to one member of the House of Delegates. He also asked if Dana had the membership loss numbers; she confirmed collecting them and sending them after the meeting.

3. EASL Journal fall/winter issue status. *Elissa Hecker.*

Elissa reported that the Fall/Winter issue had been submitted to Albany. The online edition should be available at the end of November, and the print edition will be available in December. The deadline for the Spring issue is likely the beginning of December.

4. Cross-pollinating BIPOC<sup>1</sup> Potential speaker list with CSUSA's list. *Elissa Hecker.*

The Chair announced the intent to create a BIPOC speaker list and blending or sharing it with the Copyright Society's list. We're waiting on their feedback on doing the MBLC Diversity Program. Elissa is following up with Barry on that.

Elissa also noted that we would be keeping some of the names separate from the Copyright Society's list because their list has to be exclusively Copyright-Positive. In contrast, we will have speakers on both sides of the issue. We also do not have the limitation of only topics related to copyright. Elissa will send Barry Werbin, Chairs of the Diversity Committee, and the Officers of the Copyright Society an email to begin compiling names for this list.

5. EC Officers Election (at January 2022 Annual Meeting) – Nominating Committee volunteers (only former EC past Chairs eligible).<sup>2</sup>

The Chair announced that the tenure of the current EC Officers ends as of the Annual Meeting in January, with a new term starting in February. Per the bylaws, all former Chairs of EASL are eligible to be on the Nominating Committee. The current Chair has asked all interested in being on the Nominating Committee to email him.

6. Annual meeting 2022 planning status:

(a) *Cowan Bresler Scholarship Competition (Ethan Bordman, Christine M. Lauture).*

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<sup>1</sup>BIPOC = Black and Indigenous People of Color.

<sup>2</sup> EASL Bylaws Article IV, Section 1, provides: "Prior to the election of those set forth in this Article at the annual meeting of the Section, a Nominating Committee consisting of all past Chairs of the Section desiring to so serve, and chaired by the Immediate Past Chair, shall make and report nominations to the Section for the offices of Chair, First Vice-Chair, Second Vice-Chair, Secretary, Assistant Secretary, Treasurer, Assistant Treasurer, Delegate(s) and Alternate Delegate(s) to the House of Delegates and District Representatives to be elected to the Executive Committee."

Ethan Bordman reported that they sent a mass email to all of the professors, student organizations, and student clubs about the upcoming competition in early September. They also sent an email to follow up with the Committee members.

The deadline for the competition is January 5, 2022. There will be two weeks to grade the papers before the Annual Meeting. The Scholarship Committee is looking for at least three more volunteers to help them. Each volunteer would be assigned two-three papers, and the commitment would be no longer than two hours. The Chair asked that anyone volunteering email him, Dana, and Ethan.

There was also a discussion of limiting the number of papers we would receive. After the extended discussion, the EC decided that there would be no limit on submissions accepted. If the Scholarship Committee receives too many papers than they can handle, they'll deal with it. We will reconvene on the matter in the new year if it poses a problem this year.

(b) *Sports NIL program.*

As the meeting went on, the Sports Committee hosted their "Hot Topics in Sports & Olympic Arbitration. Due to this, Jill Pilgrim was absent from today's meeting. The CLE director reported that the event was going very well. The DRS Section co-sponsored the event with our Sports Committee.

Jeff Aber reported that he and Jill are presently planning the Annual Meeting program. They're looking for a well-known and established law school professor to be the moderator. They are also looking at including a college athletic director, an athlete, and another NYC attorney on the panel.

(c) *NFT program (sports, art, etc.).*

Nothing has been planned for this event yet. This event needs at least one speaker per point, and Dana and The Chair said they would follow up with this planning committee separately.

The Chair also noted that the next deadline for Annual Meeting submissions is November 5<sup>th</sup>.

7. MBLC (Music Business Law Conference): Status report (Marc Jacobsen, Rosemary Tully).

Rosemarie Tully reported that the conference would span four successive Fridays, starting October 29<sup>th</sup> and ending November 19<sup>th</sup>. She also clarified that the entire MBLC would be virtual. The topics are the Annual Music Litigation Review, the Anatomy of a Musical, and NFTs (how they're looked at in terms of securities and taxation). There's also a discussion of the impact of Technology on the Music Industry panel, the Diversity panel in conjunction with the Copyright Society, and the basics panel on Production Deals. Rosemarie will circulate to the sponsorship list after the meeting. She noted that Marc Jacobsen had done a great job with getting the word out and securing sponsors.

Paul LiCalsi reported that the panelists for the Annual Music Litigation Review would be Ben Akley (Pryor Cashman), Cynthia Arato (Shapiro, Arato, Bach), Fred Braunstein (Akerman), Robert Clarida (Reitler, Kailas & Rosenblatt), and Christine Lepera (Mitchell Silberg & Knupp). They will be discussing the most recent developments and high-profile cases, including the expansion of NY's anti-SLAPP law. The event will be held on Friday, November 19<sup>th</sup>.

Diane Krausz reported on the Anatomy of a Musical panel--it will cover the basics of putting a musical together. Diane will be a panelist alongside Bob Harris and Steve Rodner.

For EASL members, registration is \$25 per session, and each panel offers 2 CLE credits. Including the bonus panel, if you attend the entire MBLC, you can get nine credits for \$100. The Chair noted that the MBLC would be offered to the Copyright Society members at the same price as EASL members as an incentive.

8. "Basics" programs planning status:

- (a) *"Basics of Music Industry Entertainment Litigation: A Practical Perspective" – tentatively scheduled for 12/9/2021 at 2 – 3:45pm. 1.5 CLE credits (virtual). (Brian Caplan and Judah Shapiro)*

Paul LiCalsi updated the EC that he spoke with Brian Caplan concerning his participation. Dana also mentioned that we can still change the date.

- (b) *"Podcasting 101: Key Lawyering Skills In Advising Clients In The Preproduction, Production And Distribution" – Nov. 17, 2021, 1 – 2 pm (virtual). (Louise Carron)*

Dana reported that registration opened for this event. The email will be sent a week before the program.

(c) *Fine Arts Committee*

Carol Steinberg mentioned that this Committee will be planning a basics panel on licensing in April 2022. They've yet to set a date, but Dana said she could look to see what's available.

9. Committee/Program Reports/Updates.

(a) *Motion Pictures Committee: Black Widow, Box Office and Breach of Contract: Profit Participation in COVID Sept. 30 virtual program report. (Bob Seigel, Stephen Rodner)*

Bob Seigel reported that the event went well. There were a little over 40 attendees. He noted that the event's timing was impeccable because the settlement between Disney/Marvel and Scarlet Johansson came after the webinar.

There was also a discussion of an update to this program concerning the settlement to send to all attendees.

Ethan Bordman noted that this Committee might do a CLE program in the spring on Diversity and Entertainment in conversation with the Guilds and Unions. There are new consideration requirements for the Academy Awards. There are certain diversity requirements both in front of the camera and behind it that will have to be adhered to for consideration of an Academy Award. Anne Atkinson suggested that the Diversity Committee could work with this Committee on this proposed program, Ethan accepted.

(b) *Theater and Performing Arts Committee: "Intermission Is Over: How Broadway And The West End Fared COVID-19" - reopening of theater on the West End (London) and Broadway, scheduled virtually for Oct. 27, 2021, at noon EDT. (Jason Baruch, Kathy Kim). Note: **The EASL events webpage shows this as being on October 13.***

Regarding the date confusion, Dana reported that it has since been updated to the correct date. Jason Baruch reported that the event would be a 1.5-hour discussion between himself and Neil Adleman webinar-style. The materials will include a comparison table of West End and Broadway productions for the CLE accreditation, including matters like force majeure, insurance, tax, credits, etc. There will also be various links to resources available.

Dana reported that the pricing for this program is \$40 for EASL members, \$50 for NYSBA members, and \$100 for non-NYSBA members. Jason also asked the wider EC to help get the word out as this will be the only program from this Committee for the year.

(c) Other (*ad hoc reports*).

Judith Prowda added that the Fine Arts Committee might also be planning a Basics Program on art financing.

Jeff Aber mentioned that the Sports Committee would be having a meeting on Friday, October 22<sup>nd</sup> at noon. It will be 1.5 hrs long and feature two informal presentations. The first will be by NY Attorney Marlene Jean-Louis on influencer agreements, and the second will be by Jeff on athlete-agent rep agreements.

Judith Bass reported that the Literary Property and Related Rights Committee is planning a series of brown bag lunches starting in November. The first one they're looking to do is about author insurance and what lawyers need to know. They are also interested in covering book cancellations and maybe morals clauses (probably in December or January) as well as small claims. They are also reaching out to their four new members. The Chair mentioned that it was a good idea and that other Committees could continue doing this.

Barry Skidelsky brought up the bylaws. He mentioned that there was a conflict in the bylaws about District Representatives. He also suggested that the language stating that Officers are limited to two consecutive terms needs clarity. The Chair acknowledged that we could add these issues to the November meeting agenda.

Dana updated the EC that the CLE Department will be hosting a tech summit on December 7<sup>th</sup>. There will be a panel related to sports law.

10. EASL EC Meetings balance of 2021 – November 3<sup>rd</sup>; December 8<sup>th</sup>.

11. Adjournment. The EC meeting was adjourned at 1:57 pm.

Respectfully submitted,

Isaro Carter, EASL Secretary

