

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

Executive Committee Virtual Meeting – (Wednesday) November 3, 2021, 12:30 -2:00 PM

Minutes of EASL EC Meeting

Attending by Virtual Conference/Telephone: Anne Atkinson, Barry Skidelsky, Barry Werbin, Bob Seigel, Carol J. Steinberg, Cheryl Davis, Dana Alamia, Diane Krausz, Donna Frosco, Elissa D. Hecker, Ethan Bordman, Isaro Carter, Jason Baruch, Jeff Aber, Jill Pilgrim, Joan Faier, Judith Bass, Judith Prowda, Kathy Kim, Les Greenbaum, Olivera Medenica, Paul Cossu, Paul LiCalsi, Rosemarie Tully, Sarah Robertson, Steve Rodner, Steven H. Richman

1. Approval of Oct. 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 12:35 pm and welcomed everyone in attendance. Revisions were addressed and the October minutes were deemed approved with one abstention from Jill Pilgrim (who hadn't attended the last meeting).

2. Nominating Committee interim update on new EC Officers – Chair + Committee

Barry Skidelsky updated the EC on how the Nominating Committee has come up with a slate to propose for election at our annual meeting in January. Currently, the Nominating Committee is looking at seven (7) officers.

The Chair updated the EC about the nominees for Chair, Secretary, and Treasure accepting their nominations. He also reported that we have a nominee for Vice-Chair; we just need a Vice-Treasurer and a Vice Secretary (per the bylaws). A memo will be sent to the entire EC with the proposed slate for election once seven nominations are accepted. The nominees will be discussed at the December meeting.

3. NYSBA House of Delegates meeting (Oct. 30) report – Steven Richman

3.1 - House of Delegates Meeting

Steve Richman reported that there is a new president-elect designated for NYSBA. The Vice President from the sixth district from Binghamton and Chair of the Uniform Rules Task Force is the nominee of the nominating committee to become President-Elect in June. The election will occur at the Annual Meeting unless someone challenges the nomination.

Steve also reported on the NYSBA budget. He said that the Association is in a better

financial position despite the pandemic. This results from the reduction of expenses due to the lack of in-person meetings and in-person other expenditures. CLE revenue is also up, despite a decline in membership. Albany is projecting an income of \$20.9 million, expenses of \$20.8 million. This leaves a surplus of over \$120,000. He also reported that all the section budgets as submitted have been approved.

In January, the Annual Meeting will be a hybrid meeting with section programs being virtual and only the Presidential Summit, the President's Membership Reception and the House of Delegates Meeting, and the Diversity Reception being in person. Virtual attendance of the Delegates Meeting is being discussed.

Finally, Steve noted that there were two reports that the House of Delegates approved that we should look at. One is about attorney well-being; the other is about how solo and small firms can deal with the ongoing pandemic-related events and plans for the future. He also reported on the Court System imposing rules on all Supreme Court and County Court proceedings in February. There will be town hall meetings on the revisions, notices going out to all NYSBA members, and the comments will go out by December 6th.

3.2 Section Caucus

Steve Richman reported that the main topic of concern was the inconsistent policies relating to the authors' rights of material for publications put out by NYSBA. There was concern about the terms in the releases we're asked to use when submitted to NYSBA publications. The Chair had pointed out that the EASL release was different from the one used by the Business Law Section. The sections are now looking into seeing whether these forms are uniform.

Elissa Hecker clarified that there aren't two separate releases for NYSBA and EASL; the EASL release just lets NYSBA use the publications. The Chair explained what the release does and noted that there was confusion and surprise that the other sections were not aware of how this worked for their own section publications. Also, he explained that authors don't cede their copyright when submitting to the EASL publications.

Elissa clarified that your submission to the EASL journal doesn't have to be the first publication. Judith Bass brought up that with the Siegel on Entertainment treatise (in reference to contributions to publications that are books), authors had to cede their copyright and that we might want to look into that. There was then a discussion on the difference between books and journals with NYSBA and why the copyright policies differed.

Steve reported that the sections are also looking into whether the rights signed away as a CLE presenter are uniform.

4. EASL Bylaws – Barry Skidelsky raised a possible conflict respecting District Representatives; potential clarification to language respecting consecutive terms of officers.

Barry Skidelsky reported that the bylaws were last amended in 2012. He said they seem to need some revisions and the EC should look into it for next year. The Chair agreed and said that he might put it on the December EC meeting agenda to see whether we should have a working committee review the bylaws and make any recommendations.

5. MBLC (Music Business Law Conference) - Status report and Diversity Panel update -Rosemary Tully, Marc Jacobson, Anne Atkinson.

Rosemarie Tully gave a short recap on the MBLC status. It was the second week of the four weeks of the MBLC. The virtual panels are two hours long (the last one will be three hours) scheduled for every Friday, and they started on October 29th. The first panel, which was called “What’s the Deal,” was a basics panel on production deals, and there were at least 70 paid registrants. Marc Jacobson was able to get the MBLC \$6,000 in sponsorships, not including the overall sponsorship by Iberia Bank. The upcoming panel is NFTs and Technology: How Technology Has Reshaped the Music Business.

Anne Atkinson reported that the Diversity Panel with the Copyright Society is coming together. One of the invitees had an issue—their company was anxious about having the program recorded. There shouldn’t be a problem if it’s only available for six months. Dana Alamia discussed the available options for the availability of the program recording.

6. Report on Oct. 27 NY Bar Talk: Intermission Is Over: How Broadway and The West End Fared COVID-19” – Jason Baruch

Jason Baruch reported that this program went well. It was well attended; Dana confirmed that there were 52 registrants and 49 in attendance. It is now available on-demand.

The next big program from the Theatre & Performing Arts Committee will hopefully be in the Spring and in person.

7. Annual meeting 2022 planning status:

7.1. Status of Cowan Bresler Scholarship Competition - Ethan Bordman, Christine M.Lauture.

Ethan Bordman reported that everything has been going well so far. There is one more spot open for someone to reach out to a school. He also asked that if you have any connections or if you are an alum of a school, please reach out to anyone who may be interested.

A few members mentioned that they will be speaking at different schools in the coming weeks so, they will be able to circulate informational materials for the scholarship as well.

7.2. Sports NIL program planning status - Jill Pilgrim, Jeff Aber.

Jill Pilgrim started her report with the official name of what we were calling the NIL panel; it's called "College Sports Chaos or Correction: From Austin to NIL to Conference Realignment – 250 Years of Title IX." Jeff Aber reported on the panelists for this program.

Jill asked Dana whether the Sports Lawyer's Association's (SLA) members can get a discount if they co-sponsor this program. Dana confirmed that they can and that it will be in the same way the Copyright Society is getting their discount with the MBLC. There was also a discrepancy as to what the SLA members will be able to register for.

Dana also noted that "Save the Dates" would be sent out for the Annual Meeting and the different programs.

7.3. NFT program status (art, music, sports, potentially fashion) – Louise Carron, Judith Prowda, Carol Steinberg

Judith Prowda reported that this program is in good shape and there are panelists that have already accepted the invitation to speak. The Chair mentioned the speaker that he was able to get and his excellent credentials.

The Chair also mentioned being in touch with the former GC of MLB Properties and how they've been trying to get a speaker from the MLB because of their position as forerunners in the NFT space for sports. The Chair noted the CLE credit allotment for this program and how it has the potential for 2.5 CLE credits.

Carol Steinberg mentioned that this panel may need a speaker to explain why NFTs are important and someone from the EC to help with the planning. Olivera Edenic volunteered. Jill Pilgrim volunteered an IP attorney that she knows would be an excellent addition to the panel and reached out to them to see if they would be willing to speak.

Elissa Hecker mentioned that we rarely ever have disabled panelists or attorneys and that would be an important thing to remember when inviting panelists. The Chair and Jill mentioned that it would be hard to know that for sure without having a relationship with someone that would facilitate us knowing that.

8. Committee/Program Reports/Updates (ad hoc).

8.1. Literary Works & Related Rights Committee Brown Bag Luncheon (Nov. 30) – Judith Bass

Judith gave an update on whom the two panelists will be for this program. It will be done informally but still be a practical panel. The Chair asked if that would be restricted to the Literary Works & Related Rights Committee. Elissa Hecker let the EC know that it would be the final decision of the Committee Chair to open a panel up to

all the other sections. Judith was open to that. Jill mentioned that keeping programs closed to non-members of the section gives those people an incentive to become members.

Dana confirmed that Nov. 30th had been confirmed for the program. Judith let Dana know that they will talk about the details offline but that she'll let the panelists know that the date is confirmed.

8.2. Basics programs planning status:

- Podcasting 101: Key Lawyering Skills in Advising Clients in The Preproduction, Production and Distribution (Nov. 17) – Louise Carron

The Chair reported that this program would be about legal business guidance from pre-production to production distribution for podcasting. Dana confirmed that the registration link is up on the NYSBA website.

- Basics of Music Industry Entertainment Litigation: A Practical Perspective (December 9) – Judah Shapiro, Brian Caplan, Paul LiCalsi

This program is still scheduled for December 9th and is moving ahead.

- Art Licensing Program (spring 2022) – Carol Steinberg, Judith Prowda

Carol Steinberg reported that they still need to confirm a date, and as soon as that's done, they will be sharing more about it with the EC.

8.3. EASL Invitation to Society for English and American Lawyers Program

The Chair reported that Donna Frosco emailed him and Dana about a program on November 16th that will be free to EASL members hosted by the society for English and American Lawyers. It will explore Sports law and Comparative law issues between the US, UK, and the EU. It's not for CLE credit, and the invite went out with the materials for this meeting.

8.4. EASL Journal

Elissa Hecker reported that the next journal should be coming in December, and the upcoming deadline for Spring Issue submissions is January 4th.

8.5. Annual Meeting Agendas

Dana Alamia requested agendas for the Annual Meeting panels. She clarified that she has asked whether the agendas can be submitted separately. All that's needed is one confirmed panelist, a final description, and a title.

8.6. Sports Law Committee

Jeff Aber reported that on Friday, October 22nd, the Sports Law Committee had a meeting. They had one guest speaker who spoke on influencer agreements. Jeff also gave a presentation on athlete agencies at the meeting

8.7. Copyright Law Update

Barry Skidelsky mentioned that the Copyright Office recently released a notice of

inquiry relating to the use by big tech platforms of news content. It has implications for content other than just news and he wanted to know if anybody was interested in getting together to file joint comments.

9. Adjournment. The EC meeting was adjourned at 1:52 pm.

Respectfully submitted,

Isaro Carter, EASL Secretary