

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

**Executive Committee Meeting – (Wednesday) Sept. 1st, 2021 12:30 –2:00 pm
Minutes of EASL EC Meeting**

Attending by Virtual Conference/Telephone: Anne LaBarbera, Arlen Appelbaum, Barry Skidelsky, Barry Werbin, Bob Seigel, Brian Caplan, Bridget Donlon, Carol J. Steinberg, Cheryl Davis, Dana Alamia, Diane Krausz, Donna Frosco, Elissa D. Hecker, Ethan Bordman, Jared Leibowitz, Jason Baruch, Jill Pilgrim, Joan Faier, Judah Shapiro, Judith Prowda, Judy Bass, Kathy Kim, Les Greenbaum, Louise Carron, Rosemarie Tully, Sarah Robertson, Steven H. Richman

1. Welcome Back!/Approval of June 2021 Meeting Minutes – Barry Werbin, Chair; Carol Steinberg, Ass't Secretary¹.

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 June minutes were deemed unanimously approved with the incorporated revisions.

2. EASL Journal summer issue feedback/next issue submission deadline. Elissa Hecker.

The summer issue was received well. Additionally, the NYSBA Journal selected several of the articles from the summer issue to feature.

The deadline to submit for the fall/winter issue of the EASL journal has passed, and we can expect its release in late November/early December. The deadlines for the 2021 issues of the EASL journal are in development.

3. Financial: (a) NYSBA Dec. 31, 2020 and Jul. 31, 2021 EASL financial reports; (b) EASL proposed budget submitted to NYSBA, copies circulated to EC for informational/discussion purposes. Kathy Kim, Treasurer; Dana Alamia, Liaison.

The proposed budget was submitted to NYSBA. EASL is currently waiting on feedback about the budget from NYSBA. It was impossible to “balance” the budget because of all the extenuating circumstances—namely, the cuts due to COVID.

Kathy Kim explained the discrepancy for the 2020 and 2021 budgets NYSBA had to correct their error, dues applicable to 2021 were included in the 2020 statements. EASL has income from the Spring meeting that will show up on the August financials.

Steve Richman added that if the response from NYSBA staff and the Finance Committee on our budget request comes in before his meeting in Albany on October 30, to let him know.

¹ Isaro Carter, Secretary, was not present due to a pressing health matter. Minutes were prepared via recording.

This would enable him to speak at the House meeting on the adequacy of the proposed Budget to meet the needs of our Section.

4. Annual meeting 2022 Launch Form and Planning:

Details of the Annual meeting are in the Chair's 8/10/2021 email to the Executive Committee. COVID may impact whether the meeting is still held in-person but, the Annual Meeting is currently scheduled as an in-person event at the Midtown Hilton on Jan. 19, 2022, from 10am - 5:30pm (our reserved time). The timing includes our January EC meeting and lunch before the start of the Annual Meeting.

The Chair addressed the meeting being a hybrid event and that the cost of streaming the Annual Meeting live may be cost-prohibitive considering the EASL budget. Dana mentioned that we could consider doing a live webcast. Jill Pilgrim also noted that looking for speakers for that time of the year will be different if we have a virtual program versus an in-person program.

Due for submission to NYSBA by Sept. 17th were: (1) Names of annual meeting program planners, (2) program working titles, (3) presentation descriptions, and (4) two key highlights or objectives.

Concerning the panels, the Chair suggested that we have an NFT panel and a sports panel. There was a discussion, at length, about NIL (name, image, likeness) deals for NY high school athletes—a panel on this would likely be for 1.5 CLEs. There was a great response from a few members of the EC concerning planning the NFT panel—this panel would likely be 2-3 CLEs and include 1 CLE credit for ethics. For now, we'll be going with these two panels. If need be, we can include a third panel.

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

Ethan and Christine-Marie are looking for volunteers to contact schools and judge the submissions.

b. *Evening Reception.*

Possible joint evening reception at Bill's Burger or another venue with Intellectual Property Law Section. Dana agreed to reach out to the Chair of the IP Law section regarding this.

5. MBLC (Music Business Law Conference): Status report (Marc Jacobsen *in absentia*, Rosemary Tully).

Marc was not present but, the Chair was able to provide a report on the status of his panel. Marc's panel is on technology in the music industry. Marc will moderate and be joined by panelists from BMG, Sire Records, Demand Entertainment, and hopefully SoundExchange. If the SoundExchange panelist is unavailable, Marc plans to invite a speaker from a PRO.

Rosemarie reports that MBLC will be an entirely virtual event held each Friday from October 29th-November 19th. Registration for EASL members is \$25/session. Without a coupon code, it will be \$60/session. Panel topics include NFTs (and whether they're a security), music distribution, and the anatomy of a musical. Sponsorship has also been secured for the conference.

Diversity panel to be co-sponsored by the Copyright Society. This is the first time EASL will be partnering with the Copyright Society. Dana mentioned that there would be different coupon codes for the Copyright Society's members, who would be offered the same discounted rate as EASL members. The Chair noted that the potential for our reach and registrations are greatly expanded with this partnership. He also noted that NYSBA will still be the accredited CLE provider and that EASL will not have to share the sales proceeds for registrations—that has yet to be discussed with the Copyright Society but will be raised on the next call with them.

6. “Basics” program(s) follow up for fall/winter 2021-22: Suggestions and volunteer presenters still needed.

The Chair called for volunteers for presenters on this program. NYSBA is looking for this event to be a CLE event. It would be good if the topic would appeal to younger lawyers, general practitioners, or those looking to enter the field. The event can be 1-1.5 CLE credits.

Brian Caplan volunteered to do the webinar as he's done presentations on the Basics of Entertainment Litigation in the past. Judah Shapiro volunteered to help as well.

7. Committee/Program Updates.

- 7.1 *Theatre and Performing Arts Committee.* (Kathy Kim, Jason Baruch, Diane Krausz)

Small Group Conversations series (8/12, 8/19, 8/26, 9/2) - Each program in the Small Group Conversations series ran for about an hour each and ended this year on 9/2. The turn-out included some faces from last year's run and some newer faces that could attend.

This committee is also planning a virtual program in October about the legal issues surrounding the re-opening of theaters here in NY on Broadway and in England in the West End.

There are still plans to put on the event usually planned with CTI in March or April 2022 and for the event to be in person. CTI is not likely to be coming back until Fall 2022. They have said that they would be willing to help in some limited capacities, though.

Judy Bass mentioned that it would be a good idea to keep the EC in the loop on different committee-specific programs being planned because it would be helpful to know what others are doing and how they are planning their programs. Dana and the Chair agreed. We will be doing that moving forward.

7.2 Motion Pictures Committee. (Ethan Bordman, Marc Jacobsen, Bob Seigel, Stephen Rodner)

The Motion Pictures Committee will be doing a program based on the emerging breach of contract lawsuit about the release of the Marvel Black Widow film on Disney+. The program is titled *Black Widow, Box Office and Breach of Contract: Profit Participation in COVID*. It will be held on Sept. 30 as a virtual program with panelists Marc Jacobson and Prof. Stan Soocher.²

7.3 Sports Law Committee. (Jill Pilgrim)

At their next meeting, Jeff Aber will present on the basics of representation agreements and agent agreements in sports. The date has not yet been finalized.

The Chair also mentioned that it would be a good idea for the Sports and Theatre and Performing Arts Committees to collaborate on a program in the future. This was brought up because Jill mentioned that there was a performance featuring music from a Broadway production at the US Open.

8. EASL EC Meetings balance of 2021 – Oct. 6th; Nov. 3rd; Dec. 8th.

9. Adjournment. The EC meeting was adjourned at 1:37 pm.

Respectfully submitted,

Isaro Carter, EASL Secretary

² Subsequent to this EC meeting, Ezra Doner was substituted as a speaker in lieu of Marc Jacobson.