

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

**Executive Committee Virtual Meeting – (Wednesday) June 1<sup>st</sup>, 2022, at 12:30 PM**

Minutes of EASL EC Meeting

Attending by Virtual Conference/Telephone: Anne Atkinson, Anne LaBarbera, Avita Delerme, Barry Werbin, Bennett Liebman, Bob Seigel, Brian Caplan, Carol J. Steinberg, Christine-Marie Lauture, David Friedlander, Diane Krausz, Donna Frosco, Elissa D. Hecker, Ethan Bordman, Imraan Farukhi, Innes Smolansky, Isaro Carter, Jared Leibowitz, Jason Baruch, Jill Pilgrim, Joan Fraier, Judah Shapiro, Judith Bass, Judith Prowda, Kathy Kim, Kristin Paradisis, Larry Sapadin, Lisa Mordkovich, Marc Jacobson, Pam Lester, Paul Cossu, Phillip R. Hurwitz, Sarah Robertson, Sonia Autret, Steve Rodner, Sharmin Woodall, Bridget Donlon

1. Approval of May 2022 Meeting Minutes – Isaro Carter, Secretary.; Ethan Bordman Chair; Christine-Marie Lauture, Asst. Secretary

Pending revisions to multiple sections of the May EC Meeting minutes, the minutes were approved by the EC.

2. EASL Journal status (Elissa Hecker)

Elissa reported that there are 18 submissions for the summer issue of the EASL Journal. She anticipates that the Journal will be out in a month.

The deadline for the following issue (Fall/Winter) of the EASL Journal is tentatively the end of August for a December release. There is no theme for the Fall/Winter issue.

3. Financial Report (Judah Shapiro, Treasurer)

For April, Judah reported an accumulated surplus of \$102,429. He cautioned that the numbers might look slightly different as we begin to have more in-person events, thus there will be more expenses.

Judah also mentioned that a former client is potentially interested in sponsoring a future event. The Chair indicated that we would revisit this later in the meeting.

4. District Representatives – Districts 6, 10, 11, and 12 do not have Representatives

The Chair again mentioned that we do not have representatives for Districts 6, 10, 11, and 12. Barry Werbin suggested getting a list of all the members from those districts from NYSBA and reaching out to people that may be interested in the positions. He noted having had success with this in the past. The Chair stated he has done this and will try again.

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

5.1. May 12, 2022 –Spring Meeting – with Stan Soocher – Motion Pictures Committee

The Chair reported that it was a great event with 41 people registered. The Chair moderated the first panel on Diversity and Inclusion in Entertainment, and Stan Soocher was a great panelist (as always).

Bob Seigel agreed; the Spring meeting went very well. He mentioned that it would be a good idea to have more of a mix of general entertainment<sup>1</sup>, even though we're all lawyers. The Chair thanked the Robert and Larry Sapadin for a great event.

5.2. June 2, 2022 – Freelancers Event – Rosemarie Tully/Anne LaBarbera/Robert Seigel

Sharmin Woodall reported that the number of registrants is 35. Carol Steinberg said it took her a long time to register for the event online. Even using two different browsers, she kept getting error messages and suggested this could be a reason for low sign-up numbers. Sharmin noted that they were looking into this; The Chair acknowledged and made a note of Carol's feedback.

Anne LaBarbera reported that they would be discussing issues involving interstate commerce, in addition to what was initially planned. Diane & Bob shared that some of the panelists will be from the VLA, The Freelance Union, the Authors Guild, and a litigator in this space. All the organizers of this event project that it will be a great event.

Judith Bass suggested that the planning chairs and the speakers be separated in future promotional materials and have some information on the speakers. The materials for this event did not have that information split or information on the speakers. She also noted that the link to learn more about the possibility that appears post-registration was to the EASL events calendar. Concerning the link, Bob Seigel responded that this was a mistake that had since been corrected.

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<sup>1</sup> Secretary's note: "general entertainment" topics, I'd assume.

Sharmin let us know that on the backend, there isn't an option to create spacing between the planning committee names and speaker names. She also took note of the link. Judith Prowda suggested that it would be a good idea to have the speaker bios available before registering—it could incentivize others to register. The Chair made a note of this suggestion.

Jill Pilgrim raised a great question about whether the new NYSBA website may be going backward, at least as far as our marketing efforts after the big revamp. Bridget Donlon said she is unsure whether we can add biographies to the website. Hyperlinks are possible, but NYSBA tries to limit the amount for cybersecurity reasons.

### 5.3. June 18th – Section Caucus/House of Delegates Meeting – Steve Richman

The Chair reported that Steve had a commitment at 1pm, but he will be attending the House of Delegates meeting in person, and Ethan will be on the call virtually.

### 5.4. MBLC

Marc Jacobson reported that Rosemarie would be looking at New York Law School to host the Music Business Law Conference. In advance of this meeting, Chris Hull offered his conference room, which holds up to 100 people. That would be at no cost to EASL, but the capacity for attendees would be limited to 100. Usually, MBLC attendance sits at over 150 (speakers included).

The tentative date for the MBLC was reported as of November 18<sup>th</sup>. There will also be virtual sessions. (Three hours in person and three hours virtual).

### 5.5. June 22, 2022 – Sports Committee – Title IX event

Jill Pilgrim reported that this event would not happen on the date of the Title IX anniversary (6/23/22). Jill said that she and Pam said that they would be doing a brown bag lunch the day before, 6/22/22, at noon because there will be a lot of other events happening on the 23<sup>rd</sup>

With this event, Jill and Pam would be inviting the EASL community to come and tell their stories of how Title IX impacted their participation in sports, or lack thereof, before Title IX<sup>2</sup>. Kristin Paradisis offered to work with Jill and Pam on getting law students involved. Pam Lester added that it's their goal to showcase Title IX in a practical light outside of the legislation and litigation surrounding it.

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<sup>2</sup> The stories do not have to be your own, they can be a relative's story too!

Judith Prowda suggested a speaker who was a former EASL Sports Law Committee chair. Jill acknowledged this and made notes. All members were encouraged to contact Jill and Pam with any additional suggestions for speakers.

Judith Bass asked whether this event would be recorded. She noted that a great article could come out of this event because it sounds like it would be a great oral history. Elissa Hecker suggested getting a release for the speakers if the event will be recorded (a point brought up by Pam) and then used for other purposes.

#### 5.6. Chair needed for Publicity, Privacy, and Media

The Chair noted that we still need a chair for this committee. He reported reaching out to the current members to see if someone wanted to fill that position. Sharmin confirmed that there were 12 members on this committee in the chat box.

#### 5.7. Co-Chairs are needed for Cowan/Bresler Committee.

The Chair reported that we need chairs for this committee, two specifically. He will be reaching out to the members to see if they are interested. He also encouraged anyone who is interested or knows anyone interested in reaching out to him.

#### 5.8. Sponsorships Committee

The Chair announced the creation of our new Sponsorship Committee—Anne LaBarbera and Phillip Hurwitz are the co-chairs. The Chair reported that they already have a letter that Phil drafted—it has been made available to the EC for us all to take a look at and make any edits or suggestions.

The committee has already had a call with Marc Jacobson and many others interested in joining the committee. Any money we receive in sponsorships EASL keeps all of. Barry Skidelsky brought attention to the fact that Marc shared a pdf of what looked like a Sponsorship pitch memo in the chat box.

The Chair reported that the committee would begin contacting people about sponsorships in the coming weeks.

## 6. Other Initiatives and New Business

### 6.1. EASL By-Laws – EASL EC review

Regarding the poll from the May EC meeting on whether we should keep the Second Vice-Chair position in the EASL bylaws—here are the results:

14 – YEA            7 – NAY            6 – ABSTAIN

**Please be advised that this was not an official vote. (It was meant to see where everyone present stood on keeping the position at the time.)**

Barry Skidelsky added that the bylaw committee could put the second-vice chair back into the bylaws, but it doesn't mean we have to have one going down the road. He also suggested that we can have a situation here like in NYSBA with the President-Elect position, where we have the Second-Vice Chair assume the Chair role.

Steve Rodner shared that the intent of the position was to have the person in this role eventually become the Chair. Diane Krausz confirmed that, historically, the position was created to allow the Second-Vice Chair to learn and watch the current Chair.

The Chair (Ethan Bordman) mentioned a similar line of succession in the Young Lawyers Section. Jill Pilgrim added that in the ADR Section, they don't have a formal succession to allow the person who has the time to dedicate to the position to fill it.

After much discussion on opposing views about the presumptiveness of the Second-Vice Chair position (and other positions), **The Chair moved to vote on whether to keep the Second-Vice Chair position in the bylaws.** The results were that the EC voted to keep the Second-Vice Chair position<sup>3</sup>.

Barry Skidelsky addressed the presumptiveness issue and shared his position on the language specifying it may not be necessary. This is because we have a Nominating Committee that invites people to serve, and we all generally understand that no one can make several years-long commitments to serve.

Jill Pilgrim raised a comment about the bylaws, specifically about including an amendment indicating that quorum is necessary for a majority vote (if it is not already somewhere else in the bylaws). She also wanted to confirm whether our current EC meetings are open to EC members only, especially in terms of voting, as the bylaws do not differentiate between types of committee members on this matter. Further, she alerted

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<sup>3</sup> Note: There were 3 opposed (Jill Pilgrim, Marc Jacobson, and Steve Rodner) and no abstentions.

us that the way the bylaws currently read, three members could get on a call and vote on something despite there being 30+ of us on the EC.

Addressing the quorum issue, Mar Jacobson let us know that 40 years ago, when this was done, no other section had a quorum requirement in their bylaws. Also, whenever there was a more significant issue and a small number of people on the call, the active Chair would always table it for when more people were on the call/in the meeting.

Anne Atkinson suggested there be a minimum number of people present instead. Jill noted that it's of significance to have a mechanism in place for when something goes wrong and suggested a 50 plus one quorum requirement. She also mentioned that people who were not active on the EC should not be on it.

Judith Bass suggested that we find out if other sections have a quorum requirement because it may influence whether we institute it. Jill responded that we should do things "the right way" regardless of what other sections are doing. Multiple EC members addressed the issue of not always being able to have 50 members at every meeting again because not all EC members are consistently at conferences and had concerns about not being able to vote on minor things if we don't have a quorum. Marc Jacobson asked whether specific voting topics could be addressed for those who favor the quorum.

There is currently no consensus on voting practices, especially for EC Meetings, changes to the bylaws, and now the Annual Meeting.

Judy Bass raised her concern about the second sentence on page six of the bylaws in the section about complying with engagement guidelines. It was thought that this sentence would be stricken. Additionally, she was unclear as to why there were also revised engagement guidelines attached and who did them. Barry Werbin responded that the Bylaws Committee revised them. Judy then responded with a question confirming that the EC was not voting on these changes.<sup>4</sup>

## 6.2. EASL Mentorship Program

The Char reported that we should have an outline of this program in the next month or so and that the EC will be updated on any developments.

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<sup>4</sup> That question was not answered, but The Chair acknowledged that this would be recognized in the minutes.

### 6.3. Talent Agencies Act of New York

The Chair reported that he got an email from Steve Richman. In that email, Steve wrote that he asked Cheyenne for an update on the proposal—he has not heard anything back yet. The Chair then asked Marc Jacobson if there were any updates on the Act; Marc shook his head to indicate “no.” The Chair noted that he would follow up on Steve with this.

### 6.4. EASL Speaker Appreciation Certificates

The Chair reported that he spoke with Sharmin about how EASL used to give these certificates to speakers and asked for any quick feedback on the one he showed us on camera.

Bridget Donlon confirmed this was the case and also let us know that NYSBA is not working with the same print shop that made the old ones. She would have to confirm with the new print shop that they have the capabilities to print our template.

Elissa Hecker suggested emailing those certificates just like we do the CLE ones. Barry Werbin mentioned that no one might be interested in framing the printed certificates. In the interest of time, The Chair tabled the discussion for later.

### 6.5. Annual Meeting 2023 – Ideas, In-person or Virtual?

The Annual Meeting will be January 18<sup>th</sup> - 23<sup>rd</sup>, 2023. Our section meeting is not solidified yet. We know that the Presidential Summit is on the 18<sup>th</sup> from 1-4pm/2-5pm with the Presidential Reception after. NYSBA has emphasized that if we do our meeting exclusively in-person, it’s likely that we’ll have better attendance vs. having the meeting split between in-person & virtual.

Carol Steinberg suggested we have the option for both in-person and virtual for overall attendance (we get more people going that way) and because we don’t know what the COVID situation will be. Judy Bass agrees and suggests we do the EASL meeting on the 24<sup>th</sup>. She also mentioned that the Copyright Society is doing the same thing. Elissa Hecker asked that we do not do the same thing the Copyright Society is doing and charge the same price for in-person and virtual registration.

Bob Seigel mentioned that virtual is excellent for getting panel members that otherwise wouldn’t attend but asked whether NYSBA could handle the logistics of having a hybrid panel. Anne LaBarbera mentioned that the Young Lawyers Section was going to attempt a hybrid meeting, but they changed it at the last minute to only virtual. Bridget

Donlon and Sharmin Woodall agreed that this shouldn't be a problem for EASL. Bridget mentioned that the hybrid option could potentially hurt the budget for people who decide not to attend in-person at the last minute after we've accounted for meal expenses and the like. Anne LaBarbera mentioned the reality of newly admitted attorneys being disadvantaged if everything goes entirely virtual.

6.6. Suggested future EASL events from attendees of the Spring 2022 Meeting:

~~6.6.1. The practical transactional aspects of entertainment law, such as different deals in film, TV, music, etc., types of contracts to be utilized, and mock contract negotiations~~<sup>5</sup>

6.6.2. Programs re: NFTs, Bitcoin, and regulatory issues re: Social Media

Barry Skidelsky offered to help lead a program on social media regulation for the Annual Meeting. Anne LaBarbera mentioned others might be interested in a CLE on this and volunteered to talk to said people about it. The Chair requested that Barry send him that list of ideas.

7. Chair's Remarks

7.1. NYSBA Best Practices Meeting

The Chair reported that he went to a quick meeting on this, for the Section Chairs, with the incoming President of NYSBA. They just asked that if we are working on any legislation, we keep NYSBA in the loop so that we do not conflict with anything they are working on and that we complement anything they are working on with other sections.

8. Dates of Future EC Meetings – Save the Date:

The next EASL EC Meeting will be on September 7th, 2022, from 12:30 pm – 2pm

Future Meeting Dates

July – No meeting

August – No meeting

September 7<sup>th</sup>, 2022

October 12<sup>th</sup>, 2022

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<sup>5</sup> Did not get to in the allotted time.



November 2<sup>nd</sup>, 2022  
December 7<sup>th</sup>, 2022

9. Adjournment. The EC meeting was adjourned at 2:06 pm.

Respectfully submitted,  
Isaro Carter, EASL Secretary