

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

Executive Committee Virtual Meeting – (Wednesday) November 2nd, 2022, at 12:30 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, Christine-Marie Lauture, David Friedlander, Diane Krausz, Donna Froscio, Elissa D. Hecker, Ethan Bordman, Imraan Farukhi, Innes Smolansky, Isaro Carter, Jared Leibowitz, Jason Baruch, Joan Fraier, Judah Shapiro, Judith B. Prowda, Judy Bass, Kathy Kim, Kathy Suchocki (NYSBA), Kristin Paradisis, Larry Sapadin, Merissa Pico, Paul LiCalsi, Phillip R. Hurwitz, Rosemarie Tully, Sarah Robertson, Steve Rodner, Sharmin Woodall

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

Jason Baruch and Judy Bass made a note of the revisions that they requested via email. Isaro Carter updated the EC that all referenced changes had been made and sent to Ethan and Sharmin Woodall shortly before the meeting began.

With the noted revisions, the attending members of the EC unanimously approved the minutes.¹

2. **EASL Journal status (Elissa Hecker)**

Elissa reported that the digital version of the Fall Journal would be out in a few weeks and then published soon after that. **The next deadline for the Spring Issue of the EASL Journal is December 23rd, 2022.**

The EASL blog is still down (we're going on the fourth month). Elissa has been uploading articles to the EASL discussion boards in the meantime. There have been no updates from NYSBA on the blog issue. Sharmin let us know that NYSBA is trying to find an alternative hosting platform, which has been difficult. Barry Skidelsky asked if all section blogs were

¹ Donna Froscio abstained from this vote as she hadn't attended the October meeting.

down, and Elissa responded no—only a few section blogs are down. The Chair will continue to check into this.

3. Financial Report (Judah Shapiro, Treasurer)

Judah Shapiro reported that he reviewed the quarterly and monthly reports with Sharmin and Karlie (Keisler)—they’ve stayed consistent with our most recent pattern. There weren’t many expenses other than the significant expense of our newsletter.

In the quarterly report, 95% of our income was from dues (total income - \$27,254.59). Expenses were, again, mainly from the newsletters (total expenses - \$31,884.91). With these figures, we still have a surplus of ~\$102K.

Judah noted that although we’ve been consistent in recent times, things are going to change in the near future. He also let the rest of the EC know that he had followed up with Karlie and Sharmin to see if the 2023 budget had been approved—he’s yet to hear an update.

The Chair asked when we’d be getting the money for 2023 members. Judah said that he would look into it.

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

4.1. MBLC – Rosemarie Tully and Marc Jacobson

Rosemarie Tully reported that the panels were great for the first session. There were some technical difficulties getting registration confirmations for a few registrants. Sharmin worked that out, and the MBLC organizers are grateful to her for that. The issue shouldn’t come up again in the future. Otherwise, the event went very well.

There are three more sessions left for the MBLC. Barry Skidelsky will be moderating the panel on November 3rd, 2022, on ticketing, generally, ticketing for Broadway, and the new law on ticketing for live events in NY. The last panel will have an in-person component at Citrin Cooperman—tickets for both the in-person and virtual options are \$75. If there is an issue with live streaming, the panel recording will be available.

Rosemarie also gave a special thank you to Joyce Dollinger. Joyce is not on the EC, but she works hard for the MBLC every year, and this year worked especially hard on the first two panels.

4.2. Cowan/Bresler Committee – Kajon Pompey and Aniq Chowdhury

Kajon and Aniq were not in attendance today, but the Chair reported based on a previous update with them. The Chair let us know that one email blast has already been sent out to all the schools, and another email will be sent out.

The Chair asked that if you know someone who is a professor who teaches at any school or has any connection to a school, the school you went to, it would be great to make sure that any professors announced the opportunity to their class.

4.3. Cowan-Bresler Scholarship – Deadline for Submissions January 3, 2023

The Chair noted that there were a few questions that came in about the rules for the writing competition. One question was whether team submissions were allowed (i.e., co-authoring a submission); the Chair clarified that this was not allowed—individual submissions only.

4.4. Sponsorship Committee

Rosemarie Tully reported that there is already one sponsor for the MBLC (recorded event), and she is working on another (for the live event). Phillip Hurwitz updated the committee that he reached out to a few people regarding sponsorships and will follow up. The Chair let us know that he will also be reaching out to potential sponsors.

4.5. Fine Arts Committee

The Chair noted that Judith Prowda was interested in hosting an event on Fine and Decorative Art. She was not on the call at the time, but The Chair said he would follow up with her after the meeting.

4.6. Theatre And Performing Arts Committee

Regarding the theatre program, Jason Baruch let us know that the Dramatists Guild agreed to host the event in their space. The venue seats about 50-60 people. Jason also informed us that the committee is exploring making the event available through other means (recorded). The panel is also set; there are three panelists—there is no date yet.

Although Jason was initially looking at the second week of January to hold the event, upon the input of Sharmin & the Chair of how hard that would be due to the proximity of the Annual Meeting, Jason is ok with holding it after the annual meeting.

The Chair suggested the first week of February; Sharmin is checking to ensure that our event calendar is clear.

Additionally, Jason shared that the Dramatists Guild might be willing to host subsequent theatre programs. He's looking to host at least 2-3 more in 2023. Finally, Jason let us know that he will contact the Theatre League regarding the CTI mailing list for invitation purposes (CTI recently passed everything over to the Theatre League).

Elissa Hecker quickly suggested that if the event is going to be the first week of February, it would be a good idea to plan marketing around the Annual Meeting marketing because there's usually a log jam just for annual meeting marketing around that time. The Chair then noted that it could be a good idea to push the theatre program to later in February, so there is time to get the word out.

4.7. Pro Bono Committee

Elissa Hecker updated the EC that they're interested in expanding their clinic outreach. She asked that anyone who knows of any organizations interested in hosting a clinic let her know.

5. Other Initiatives and New Business

5.1. EASL Bylaws – EASL EC review

The Chair let us know that the Bylaws committee has an upcoming meeting where they will update the bylaws. They will then send the updated document to the EC for review, then make any changes so we can have as much as possible before December. We can then present them in the Annual Meeting and have them approved.

Judy Bass suggested opening the floor for questions when the updated document is sent around again. She also asked for clarity on the approval process. Barry Skidelsky suggested that the EASL EC is to approve the new bylaws in December, and if that happens, then there is no need to wait for the January EC meeting if we approve the bylaws in December. The second step would be for the EC to present the new bylaws to the EASL membership for approval. Presuming their approval, the bylaws will then go to NYSBA.

Barry Werbin agreed that re-circulating the comments on the bylaws would be a good idea to refresh everyone's memory. Judy Bass added that there were still open issues regarding the engagement guidelines and the quorum issue, specifically that Jill Pilgrim was concerned about, and highlighted that she wasn't in attendance for this meeting, so it would be a good idea for the Chair to follow up with her in the interim. The Chair agreed to follow up with Jill.

There was a misunderstanding of what a quorum was, and Barry Skidelsky clarified that a quorum is necessary for the meeting to be valid--we have one at this meeting--and then a majority of those present must vote. There is no two-quorum requirement. Barry Werbin concurred. Barry Werbin also mentioned that what constitutes a quorum, according to NYSBA, is up to the section. Sharmin looked it up and confirmed that it is up to each section to define a quorum.

Judy Bass also highlighted that Jill Pilgrim had concerns about certain kinds of votes not taking place unless there was a defined minimum number of people present in a meeting. Those specific items needed to be determined, and Judy said they should be clarified so we could possibly approve them in December. The Chair noted that he would reach out to Jill to find out what her concerns were so that we could address them.

Judy Bass also reminded the committee that there should be a cover memo describing the changes when the amended bylaws are presented at the Annual Meeting. She suggested that this cover memo be presented and voted on in December. Barry Werbin mentioned that it would be important to circulate the last draft of the amended bylaws after the meeting the upcoming meeting of the Bylaws Committee so that everyone can see it *before* the December EC meeting. Judy Bass also noted the importance of having the discussion amongst the EC so that everyone's concerns can be addressed—we can't assume that the comments received between this meeting and the December meeting will be enough to eliminate that discussion.

Bob Seigel suggested that if there are 50 EC members, the quorum should be 26 people, and then if you want a vote to pass, you get a quorum of the quorum. Barry Werbin agreed but also mentioned that we can possibly have a super-majority for substantive things like changing the bylaws. That said, we may not be able to have a super-majority. Based on the current EC membership (sitting at around 45 per the Chair's current estimate), Barry stated that we would need approximately 31 people for a super-majority (i.e., two-thirds of the EC membership). The Chair noted how that number might make it difficult to pass certain things based on whether people can attend the meetings.

5.2. EASL Mentorship Program

The Chair let us know that he has updated his forms for the mentorship program, and they should be up very soon. Starting in November, we can get people to fill out forms to volunteer to be mentors and mentees. People will be matched up by practice area, interests, and things of that nature.

5.3. House of Delegates – Future Meetings:

Saturday, November 5th, 2023 – NYSBA Bar Center – In-Person or Virtual

- Barry Skidelsky will be attending in person.

Friday, January 20th, 2023 – New York Hilton Midtown – In-Person or Virtual

Saturday, April 1st, 2023 – NYSBA Bar Center – In-Person or Virtual

Saturday, June 10th, 2023 – The Otesega Resort Hotel – In Person or Virtual

Saturday, November 4th, 2023 – NYSBA Bar Center – In-Person or Virtual

5.4. Legislative Committee – Co-Chair Opening

The Chair told us he has an upcoming meeting with Marc Jacobson and Leanne Evans on the Talent Agencies Act of NY.

5.5. Talent Agencies Act of New York

The Chair told us we would get an update on this in the December EC meeting.

5.6. Annual Meeting 2023 – IN PERSON – Thursday, January 19th, 2023

5.6.1. September 16th – Annual Meeting Registration Launch Information

The Chair let us know this has been submitted.

5.6.2. November 14th – NYSBA needs Final Agenda for Annual Meeting Program.

The Chair let us know this is pending; we are just filling in our final speakers.

5.7. Annual Meeting Program

5.7.1. “Approaches to Negotiation in Sports, Entertainment and Other Universes.” - Program Co-Chair: Pam Lester (EASL Sports Committee Co-Chair), Program

Co-Chair: Jill Pilgrim (EASL Sports Committee Co-Chair); Speakers: Gary Noesner (Former FBI Agent and Negotiator)

The Chair let us know that Pam & Jill are still looking to round out the panel. They've invited Mike Tannenbaum (former General Manager of the NY Jets), but there might be scheduling conflicts. Pam is also looking into others in her network. Barry Werbin said that he's working on getting one of his colleagues, Dan Etna (Partner & Co-Chair of the sports practice at Herrick Feinstein), to join the panel—he's recently spoken to Jill about it.

5.7.2. *“Ethics in Negotiating in Entertainment, Sports and other Universes.”* - Program Chair: Ethan Bordman (EASL Section Chair); Speakers: Devika Kewalramani (Partner: Moses Singer), Carla Varriale-Barker (Shareholder, Segal McCambridge)

5.7.3. *“Regulation of Social Media and Online Content”* - Program Chair and Moderator: Barry Skidelsky, Esq. (former EASL Chair); Speakers: Carl Szabo, Esq. (General Counsel at Net Choice), Scott Wilkens, Esq. (Senior Counsel at Knight First Amendment Institute), Brian Barnes, Esq. (Partner at Cooper & Kirk, PLLC)

Barry Skidelsky let us know that this is a well-rounded panel, addressing all the major issues from all sides—it'll make for a fascinating discussion. Elissa Hecker let us know that Barry Skidelsky has a great article about this topic in the upcoming journal.

5.7.4. *Annual Meeting: In-person, virtual, hybrid?*

Judy Bass asked what the update was on whether the meeting was going to be in person because the update to last month's discussion was not on the agenda. Neither is the letter that she, Elissa Hecker, Kathy Kim, and the Chair worked on. She thought that, given the importance that a lot of the EC felt about the matter, there would be a discussion and potentially a vote on whether the \$10K necessary to spend to have the meeting recorded would be worth paying.

The Chair apologized for the matter not being on the agenda. He went on to say that he had spoken to Sharmin about the matter, and she let him know that we are able to have a virtual meeting. That said, the hotel does not have the technological facilities to broadcast the quality they believe we'll need for the Zoom attendees. There is still a large fee of \$10K to make it happen at the quality

necessary. Anne Atkinson mentioned that in the past, other sections have had portions of their meetings offsite of the Hilton and that we could possibly do this as well.

Sharmin shared that we are looking into outside vendors that may be able to handle the recording; there have yet to be any updates on that. Besides that, she doesn't have any additional information outside of what we already know. We just need approval from the Hilton that we are able to use an outside AV vendor. The Chair asked if composing this letter would have any impact on NYSBA to the effect that they might foot the bill for the recording. Sharmin shared that it was not likely. Sharmin also said she would follow up with Pat Stockli to see when we would hear back from the Hilton about this.

Elissa Hecker wanted to know if we could get a group rate if we sent our letter to other sections that are also trying to coordinate hybrid sessions. This way, the \$10K is divided over multiple sections. Additionally, she'd like our contract with the Hilton to allow for a refund if the technology doesn't work. She notes that there have been technology issues at the Annual Meeting in the past.

Rosemarie Tully noted that for the hybrid session of the MBLC, they are getting two quotes from contacts that can provide AV services and will update the EC with the quote from the contact outside of NYSBA.

The Chair also asked Sharmin what the fee would be if the session were completely virtual. She responded that there would be no AV cost. Rosemarie shared that the tricky part may be having the camera in the room to capture the speakers live. At this point, Judy Bass reiterated that it might be important to have the discussion on whether the \$10K spent is worth it if there is no better option, especially considering we'd be making money from the registrations. We also have a surplus in the budget. She also mentioned that this might be something we can get a grant for, as it's for accessibility and inclusion purposes.

Sharmin let us know that the next step would be for her to follow up with Pat Stockli. Carol Steinberg noted that this is really important, she is glad that Judy brought it up, and this would be really important to do even if it costs us money.

Barry Werbin brought up that if this meeting is hybrid, we'll have to figure out how to take that vote on the bylaws and then the pricing issue. The Chair

pointed out that, at least with the pricing issue, the cost of registration would be the same. Elissa Hecker mentioned that it would also be easy to get a poll out for the people voting virtually.

Rosemarie Tully let us know that there is also a section caucus, and we can bring this discussion up to the other sections as well.

The Chair then read the contents of the letter he, Judy Bass, Elissa Hecker, and Kathy Kim worked on aloud to the EC. He then gave us an update on the Bill's Burgers reception status—January 19th is available. A contract has not been signed because the contact at the restaurant has been hard to reach. Ethan will continue to reach out to Bill's. Sharmin also informed us that registration for the Annual Meeting is going up today or later this week.

6. Chair's Remarks

The Chair let us know that starting January 1st, there will be new CLE requirements. For attorneys. It's four ethics credits, one diversity credit, one cybersecurity credit, and the rest can be in anything.

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

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

Future Meeting Dates:

2022 -

December 7th, 2022

2023 -

January 19th (Thursday), 2023 – **Annual Meeting** – In Person at Hilton (1365 6th Ave, NYC)

10:30am – 11:30am – Committee Meetings

11:30am – 1pm – EASL EC Lunch Meeting

1pm – 5:30pm – EASL Annual Meeting

5:30pm – 8pm – Bill's Bar and Burger – 161 W 51st NYC – 3 blocks from Hilton (tentative
– Ethan is speaking with Bill's Bar)

February 2nd, 2023

March 2nd, 2023

April 6th, 2023

May 4th, 2023

June 1st, 2023

July – NO Meeting
August – NO Meeting
September 7th, 2023
October 5th, 2023
November 2nd, 2023
December 7th, 2023

8. **Adjournment.** The EC meeting was adjourned at 1:51 pm.

Respectfully submitted,

Isaro Carter, EASL Secretary