

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

**Executive Committee Virtual Meeting –
(Wednesday) April 12th, 2023, at 12:30 PM**

Minutes of EASL EC Meeting

Attending by Virtual Conference/Telephone: Anne LaBarbera, Avita Delerme, Barry Skidelsky, Barry Werbin, Brian Caplan, Bob Seigel, Carla Varriake-Barker, Carol Steinberg, Cheryl Davis, David Friedlander, Diane Krausz, Donna Frosco, Ethan Bordman, Ezra Doner, Imraan Farukhi, Innes Smolansky, Isaro Carter, Jake Dore, Jason Baruch, Jill Pilgrim, Joan Faier, Judah Shapiro, Kathy Kim, Kristin Paradisis, Kyle-Beth Hilfer, Larry Sapadin, Les Greenbaum, Nibras A., Pam Lester, Paul LiCalsi, Phillip R. Hurwitz, Rosemarie Tully, Sarah Robertson, Sharmin Woodall, Steve Rodner

1. **Approval of February 2023 and January 4th Bylaw Meeting Minutes** – (Isaro Carter, Secretary.; Christine-Marie Lauture, Assistant Secretary; Ethan Bordman, Chair)

Ethan Bordman asked the EC if anyone had any revisions for the March EC Meeting Minutes. There were no revisions. The EC unanimously approved the meeting minutes.

2. **EASL Journal Status** – (Elissa Hecker)

Elissa Hecker was unable to make the meeting this month. On her behalf, Ethan reported that the most recent edition of the EASL journal is available digitally. Physical copies will be mailed to our membership in the next week. This edition features a transcript of our annual meeting.

3. **Financial Report** - (Judah Shapiro, Treasurer)

Judah let us know that he reviewed the latest financial report with Sharmin, which covers January and February; however, NYSBA is still reconciling the Annual Meeting numbers. He let us know that, essentially, this means that there could be a deficit.

Judah also let us know that there is about \$20-\$25,000 it's not currently accounted for, and otherwise, we have an accumulated surplus of \$94-\$95,000. The surplus is about in range given the activities and the slight decrease in membership. We also had a budget of about \$27,000 in anticipated income, and as of February, we've collected about \$21,000.

Overall, Judah anticipates that the financial report in June will reflect around \$70-\$75,000 in surplus; for reference, we had about \$102,000 last year. Just suggest that we should still be watching the money, but overall, we're still in a healthy place to do what we need to do. Ethan then reminded us of securing sponsorships for our upcoming events.

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

4.1. Sponsorship Committee -Marc Jacobson - Greenslate

5. Other Initiatives and New Business

5.1. EASL Blog

Elissa could not be in attendance, but Sharmin let us know that Elissa would be sending updates to the community page about the EASL Blog.

5.2. EASL Annual Meeting – Thursday, January 18th, 2024 - Meeting Location

Ethan shared that the tentative date for next year’s annual meeting will be Thursday, January 18, 2024. He also shared that we have official word to hold our EASL meeting offsite at the Hilton. Ethan shared that he and Judy Bass (not attending the meeting) had a great conversation with NYSBA. The location hasn’t been set yet.

5.3. ADR Committee Meeting – Virtual – April 19th at 4pm

5.4. Law Students in the Mix: An EASL Networking Event – Law Student Committee – April 13th, 6pm – 8pm

Sharmin shared that we have 74 students registered for this event and 13 attorneys attending.

5.5. Spring Meeting –Thursday, May 11th at Dorsey 1:00pm – 5:30pm – 3.5 CLE (Chairs – Robert Seigel, Ezra Doner, Larry Sapadin, Berry Werbin, Judy Bass, Sarah Robertson, Stephen Rodner)

Ethan shared that we will have three panels. Thank you to all the Chairs for their work.

- *Think FAST: Dealmaking for Ad-Supported, Internet-Delivered Television (60min)*

Larry Sapadin shared the following about the speakers on this panel:

- Howard Homonoff, Senior Advisor, Media & Entertainment Industry, at Grant Thornton, and regular contributor to Forbes. (Thank you to Barry Werbin for getting him on the panel)
- Elana Sofko, Chief Strategy Officer at Chicken Soup for the Soul Entertainment, providing premium video to a wide range of ad-supported media platforms.
- David Fannon, President of Screen Media Ventures and Executive Vice President, Distribution at Chicken Soup for the Soul Entertainment.

- Minh Vo, General Counsel & Executive VP, Business Affairs at FilmRise, a Brooklyn-based film and television studio, and operator of the world’s largest independently owned portfolio of ad-supported streaming apps and FAST channels.

- Voice and Likeness Publicity Rights in AI-Generated Content (60 min)

Barry Werbin shared that they’ve recently locked in all four speakers (i.e., they’ve all confirmed their participation) for this panel. The four panelists are Oliver Herzfeld, General Counsel of the Beanstalk Group; Dorothy Weber, a well-known entertainment litigator; Jeffrey Bennett, General Counsel at SAG-AFTRA; Kyle-Beth Hilfer, Counsel at Cowan Liebowitz & Latman.

Barry Werbin has shared that he, Louise Carron, and Judy Bass will have a planning meeting next week.¹

- Entertainment Law Year In Review – Stan Soocher (75 min)

5.6. ADR Committee – Welcome New Co-Chair – Kyle-Beth Hilfer

Kyle-Beth introduced herself, and we are happy to have her. Welcome Kyle-Beth! She also announced that the committee would meet on May 4th at 4pm and invited everyone to join.

5.7. Pro-Bono Committee – Welcome New Co-Chair – Jake Dore

Welcome to Jake! He took this time to introduce himself to the EC, and we are all excited to be working with him.

5.8. House of Delegates (“HOD”):

Barry Skidelsky let us know that it was business as usual this past meeting on Saturday, April 1st. Interestingly, he shared that a movement is afoot to get us away from the Hilton for the Annual Meeting. They suggested having the meeting in Albany, but that’s not up for discussion for at least two years because of NYSBA’s contract with the Hilton. Bob Seigel mentioned that most of NYSBA’s membership is likely in NYC, and it’s not very likely that we will all want to attend the Annual Meeting in Albany unless there is a virtual attendance option.

Separately, Barry mentioned that across the organization, there is declining membership in the Young Lawyers Section. At the HOD meeting, every section was encouraged to do “Back to Basics” programs to encourage membership from young attorneys. Anne LaBarbera clarified that EASL is one of the sections with an active Young Lawyers Committee. NYSBA wants to encourage those in the young lawyers committees across sections to be active members in the Young Lawyers Section.

¹ Sarah Robertson was inadvertently unmentioned regarding this planning meeting. As co-Chair, she was also involved in this planning meeting.

Barry also brought up his conversation with Pat Stockli about EASL and other sections being concerned with the need for more transparency about revenue sharing for CLE events and other events. Pat mentioned that NYSBA addresses that in a specific document that outlines the policy, and she sent him a copy. Barry said he noticed the terms were expired and let her know. She responded and told him that NYSBA's Finance Committee would be looking into providing new clarity regarding revenue sharing for CLE events and other events.

Rosemarie Tully expanded on what Barry Skidelsky was talking about. She is also on the CLE Committee and reported that from their most recent meeting, guidelines are coming down from the State Bar about destination meetings, which would apply to our fall and spring meetings here in EASL.

Rosemarie shared that the Finance Committee will not allow a section to use its surplus for a destination meeting because that meeting only serves to offset the cost for that meeting and because the meeting would only serve a few members in the section and not all members of the section. She shared that the State Bar is also talking about each section establishing a CLE Chair position. Rosemarie shared that EASL had one in the past, but our CLE chairs always ended up being overburdened, and it didn't work for us.

Also, regarding the "Basics" programs, Rosemarie believes that the state bar is headed toward making such programs a requirement for the sections. At this time, Rosemarie understands that if we were required to put on such programs, we would not be getting any of the revenue; we would only participate in revenue for the fall and spring meetings – our fall meeting is the MBLC. In relation to this, Ethan told us there's no such thing as a signature event; we have "seasonal events" from which we keep the profits.

Bob Seigel then asked if we would be keeping our revenue from the MBLC. Sharmin clarified that for seasonal events with CLEs, we would retain revenue from those events. If there is a CLE event that is not seasonal and just one of those outside events, we will not be retaining revenue. Jason Baruch asked if our theater program would be one of those events that we could retain the revenue from, seeing as it's usually one of our seasonal events, except for this year. Sharmin responded that all we would have to do is send the state bar a letter requesting that we keep the revenue for this event since it will be one of our main events and then go from there. There is no definite answer yet, but we do need to inquire about it.

Barry Skidelsky then came back to mention one last thing about the HOD: the Taskforce on Notarization. There are some new laws about how notaries must make and keep records for ten years, including notaries who are attorneys. There is also a separate requirement for audio and video records and credentialing versus recording. The State Bar is not pleased that this somehow got past without them being involved, and there is a movement to seek a repeal of those requirements. Barry Werbin clarified that the issue with the State Bar and the reason for wanting to petition the powers that be is so that they can remove those specific requirements for attorneys. Attorneys automatically

qualify as notaries, and to impose additional requirements such as having a little book with recordkeeping is absurd, in their opinion.

Jill Pilgrim added that in an ADR Section Leaders meeting yesterday, they discussed a draft of NYSBA's Finance Committee's Section and Committee guidelines. It's a 10-page document, dated Feb 2023, that NYSBA is seeking each Section's feedback on. She noted that there are contents that many present in the meeting she attended were very concerned about. Jill noted that she wanted to sound the alarm bell of what is being proposed here and that we look at these proposed guidelines soon as there is a short timeline to submit feedback. She shared that what is contained in these proposed guidelines could put well-managed and fiscally responsible sections at a disadvantage. Bob Seigel asked Sharmin when we would receive a draft of these guidelines, if at all. Barry Werbin, Barry Skidelsky, and Ethan Bordman clearly stated that they'd never even seen this document. Sharmin shared that she would track this document down and circulate it. Jill Pilgrim promptly responded that she would immediately email it to Ethan, Barry W., and Barry S.

Future Meetings: **Saturday, June 10, 2023** – The Otesega Resort Hotel – In Person or Virtual; **Saturday, November 4th, 2023** – NYSBA Bar Center – In-Person or Virtual

5.9. Introduction to Entertainment Law for NYSBA Members

Ethan shared that the state bar has asked us to hold the Introduction to Entertainment Law event. Usually, we have this event in June because, in July and August, we don't hold any events. It was proposed that we have this event in the fall at the end of September, the second or third week of October after the religious holidays, or the beginning of November. Barry Werbin suggested having the event in the fall because many events are happening in June, and dates and planning could conflict with what's already happening during that month and the weeks ahead. With that in mind, discussion for this event has been tabled for the fall.

5.10. MBLC – Locations, Ideas

Rosemary Tully shared that Jill Pilgrim was able to make an introduction for her to explore a possible venue space at the American Arbitration Association. The venue is lovely, and the people there are terrific. The space would cause us to be tight on numbers, but they are attractively priced. This space is certainly under consideration. Rosemary shared that she has also contacted Cardozo and is waiting to hear back from them. The space is lovely and incredibly reasonably priced, but they have no dates for us as they are constantly booked. She also contacted Cooper Union, who cannot give us dates. She also contacted the Scandinavian House, which is booked on our date. New York Law School, we know, is a bit pricey. NYU is a possibility; we are waiting to see if availability exists. That said, Rosemary believes right now that it's between NYU and the American Arbitration Association. Bob Seigel offered Neue House as a suggestion

too.

To help decide between the two venues, Rosemarie asked if people would mind that at NYU, the seating does not have a writing surface. She believes having a writing surface is necessary so people can write notes from the panels. Paul LiCalsi offered that having a writing service is preferable, but he doesn't think it's essential. He shared that he's been to several CLEs where you just had to have your notepad on your lap, and it's not a huge inconvenience. Jason Baruch offered that at their theater program, they just had chairs and no desks. He also noted that the theater program was shorter; it wasn't multiple panels like the MBL C would be, and that would be a long time not to have a surface, especially if there were food and people had water bottles. Barry Werbin agreed.

5.11. NYSBA State Bar News – Annual Meeting 2023 issue article on EASL annual meeting “Communication, Relationships, Trust are Key to Successful Negotiation.”

Ethan shared that NYSBA did an article at our annual meeting.

5.12. NYSBA Section Open House

Ethan shared that this event has been postponed to the fall of 2023. NYSBA is looking for attorneys with seven years, 3-6 years, and 0-2 years of experience. They will just be speaking and asking questions. It's designed to introduce law students and newly admitted attorneys to NYSBA's various sections.

5.13. Deep Dive into the Metaverse and Web3: The First Global Law Symposium – April 28-29th

Ethan shared that NYSBA has invited us to Co-sponsor this event.

5.14. “What Entertainment Attorneys Need to Know about Matrimonial Law and Estate Planning”

Ethan shared that this event has also been postponed until the fall of 2023. It felt rushed. It can be planned better.

5.15. Talent Agencies Act of New York

Ethan shared that he spoke with Leanne Evans. Leanne has contacted Assembly Member Rozic to see if there is any interest in sponsoring the bill. She also pointed out that the budget was slightly delayed this year, so they are off-schedule.

5.16. March 8th, 5:30 pm – Theatre Committee Program at Dramatist Guild

Jason Baruch shared that the event went very well; there was a full house. It was a two 1/2-hour program on negotiating production contracts and underlying rights agreements. The speakers were good, and he received positive feedback for the program. Sharmin shared that we made \$3480 on this program. Jason Bruce shared that

this was part one of a four-part series, and if the other parts perform similarly, we are looking at almost \$15,000.

With the next program in the series, he is looking to schedule that for June, he is currently looking for a space, and the one he is currently looking at can accommodate 150 people.

He also shared that he had lunch with Avita and Diane (Co-Chairs of the Theatre Committee), and they were talking about putting a non-CLE event together and a social event over the summer.

Finally, Jason shared that the theatre program was recorded and sent Ethan a copy. At present, he's not sure if it's something we eventually want to make available on the EASL website. Sharmin shared that if this were put on the NYSBA website as an on-demand item, NYSBA would get the revenue.

5.17. Law Students in the Mix: An EASL Networking Event – Law Student Committee – April 13th, 6pm – 8pm

Kristin Paradisis shared that the event would be virtual. She also clarified that internship and mentorship offers are not required of attorney participants; it was merely an example of what the offer in the offer activity could be. The offer activity is no longer taking place as it was designed for an in-person event.

Kristin also shared that they have received a lot of student interest, with some reaching out to inquire about future opportunities to network within the EASL section. She also noted a remaining imbalance between student and attorney registrants, as way more students registered than attorneys volunteered. More volunteers would be appreciated.

5.18. EASL Hybrid Capabilities

Ethan quickly noted that when we have events, we should try and keep them at locations with a hybrid capability.

5.19. Cowan-Bresler 2023-24 – Materials Ready - **Deadline: Wednesday, January 3rd, 2024 – 5 pm eastern**

Ethan shared that the scholarship materials are available now on the EASL website. We are encouraged to share this with any law students to let them know. Again, the opportunity is open to New Jersey and New York law schools, and they can start working on it now.

5.20. Members-at-Large

Ethan shared that there has been a suggestion that we have Joyce Dollinger as a member-at-large. As Chair, he is allowed to add six members at large and wanted to bring this to the committee. Joyce has done a ton of work for the MBLC, she is a

former EC member, and he wanted to make a motion that we appoint Joyce Dollinger as a member at large of the EC. Carol Steinberg seconded the motion, and Rosemarie Tully was the third. With none opposed, the motion passed unanimously.

6. Chair's Remarks

Thank you to everyone for all their work and help! He also shared that he hopes to see people in person at the June meeting, but it will be a hybrid meeting. Additionally, there is money there to have more programs, so; all committees are encouraged to propose ideas for events.

7. Dates of Future Meetings

June 1st, 2023 (Hybrid meeting tentatively June 7th)

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 1:53 pm.

Respectfully submitted,
Isaro Carter, EASL Secretary