

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

**Executive Committee Virtual Meeting –
(Wednesday) Feb 1st, 2023, at 12:30 PM**

Minutes of EASL EC Meeting

Attending by Virtual Conference/Telephone: Anne Atkinson, Anne LaBarbera, Avita Delerme, Barry Skidelsky, Barry Werbin, Bob Seigel, Brian Caplan, Carol Steinberg, Cheryl Davis, Christine-Marie Lauture, Elissa D. Hecker, Ethan Bordman, Imraan Farukhi, Innes Smolansky, Jason Baruch, Jill Pilgrim, Joan Faier, Judah Shapiro, Judith Bass, Kathy Kim, Kristin Paradisis, Louise Carron, Marc Jacobson, Pam Lester, Rosemarie Tully, Sharmin Woodall, Steve Rodner.

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

Pending the addition of the revisions emailed to Isaro by Jason Baruch and Barry Skidelsky, the January 2023 minutes were approved by the EC. Ethan also shared that the NYSBA EC approved our revised bylaws at the NYSBA EC Annual Meeting the day after EASL's Annual Meeting.

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

Elissa reported that the Spring Issue is almost done, and she is sending it in at the end of the week to the printers.

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

Judah started by answering a question from Marissa about the November expenses regarding the prepaid overtime newsletter. He shared that he would review the budget and provide an update. He also stated that the most recent financial report is from November, so it is still reflecting a surplus of approx. \$102,000. He believes that the surplus will decrease when the Annual Meeting activity is reflected in the next financial report and the year-end report. (We will receive that report in March.)

Judy Bass asked if the report that was sent with the previous meeting's minutes was the year-end financial report as that one was for 12 months, ending December 31st, 2022. Barry Skidelsky clarified that that was the one that reflects \$46,000 for newsletters compared to around \$20,000, historically. This was the question that Merissa also had. Judy Bass thought that this new figure was double the budget, and we should either increase the budget for newsletters, or we need to figure out why it was doubled. Judah clarified that this is what's being investigated currently, and he's anticipating that we'll have an answer by next month (March) or sooner if he finds out something sooner and is also going to speak with Ethan.

Judy Bass also asked for clarification on why we couldn't use the rest of the money budgeted for meetings this past year for the annual meeting instead of dipping into the surplus.

Our budget for meetings was \$36,000, and we only used \$2,468.75. Judah said that he would review that with Karlie and Sean. Rosemarie Tully clarified that though we had \$36,000 budgeted, we didn't get that; we only got to that \$2,400 figure listed. Kathy Kim, former EASL Treasurer, further clarified that the difference between those figures is not money that we lost; the larger figure was projected based on past numbers. Ethan also added that we should have money coming in because people are renewing their EASL memberships December-March.

Judy Bass added that maybe next month we should look at speaking with NYSBA about having such a high cost to host a hybrid meeting. Anne LaBarbera added that she's been following an AMC product that's in development that would allow you to have a hybrid meeting between people at different locations with individuals attending via their local theater. This product isn't available yet, but Anne said that she would continue following developments and report back because this could potentially be a less expensive way to have a hybrid meeting. That said, this might not be possible due to NYSBA's contract with the Hilton. Judy Bass suggested that we deal with this concern sooner rather than later and find out the important details, particularly if the matter is negotiable.

4. **Annual Meeting Recap**

4.1. General Recap

Carol Steinberg shared that she received feedback from a few people letting her know that the panels were very good and that the sports law panel was terrific but could've been a bit shorter. She also received feedback that people wanted the last panel to be a little bit longer.

Barry Skidelsky shared that he also received feedback indicating that the panels were very well received and that the last panel could have been longer. He also asked Sharmin if there was a summary of comments submitted by attendees. Sharmin confirmed that we do have those comments. She pulled the evaluations from online participants and is now waiting for paper evaluations; she will be sending out the comments tomorrow (February 2nd).

Ethan then asked Sharmin about CLE certificate delivery. Sharmin said she was unsure of how the certificates would be delivered, but Pam Lester shared that she already received hers via e-mail. Barry Skidelsky shared that he also received his CLE certificate via e-mail already. They shared that this might have just been the case for speakers and moderators.

4.2. Sponsorship Committee

Ethan gave a big thank you to Herrick and to Dorsey for their support of the Annual Meeting. He also thanked the sponsorship committee for all their work. He also shared that if anybody had any ideas for sponsorships to please share as that's 100% profit to the section, and it's a great way to cut down our expenses for our events for any EASL meeting or event.

Ethan then asked if the sponsorship committee had any feedback or input. And Judy Bass shared that we don't yet have a good system for getting the word out about sponsors. She mentioned that the Copyright Society sends out correspondence encouraging sponsorship and we could do a better job of doing the same. Ethan will review how we can get this done better.

4.3. Cowan Bresler Scholarship

Ethan shared that the scholarship was a success we had papers from eight different schools, and the winners were from St. John's Law School and Fordham Law School. The papers will be published in the upcoming EASL Journal. Ethan also suggested that we start putting the flyers and other materials together for next year's scholarship as we know what the deadline is going to be so we can try to start promoting it earlier. We can start putting together our updated list of professors to contact, reach out to them once in the spring and then once again in the fall. Great job to our chairs, Kajon and Aniq.

5. Committee Reports

5.1. Fine Arts

Carol Steinberg reported that only one person came to the section meeting in January, but it was good to have her. The section discussed a copyright and AI program for the future.

5.2. Theater & Performing Arts

Jason Baruch reported that he was happy with their attendance for the January meeting. He and Avita Delorme were able to brainstorm potential programs for the future with attendees.

5.3. Sports

Jill Pilgrim reported that she and Pam Lester had a lovely conversation and Ethan joined them. No other committee members attended but she believes that the effort suffered due to the way NYSBA runs the Annual Meeting and advertises the committee meetings as well as the issue of COVID. Jason also added that the timing of the committee meetings also makes it a little awkward for people to attend if they aren't on the EC and aren't attending the luncheon afterward. As there is a 1 ½ hour block between the committee meetings and the annual meeting that leaves them with a large block of time until the programs start later in the afternoon. Judy Bass noted that it was EASL's decision years ago to schedule the committee meetings this way. Pam added that it might be a good idea to schedule the committee meetings right before the programs if it could work with the timing for lunch.

5.4. Literary Works & Related Rights

Judy Bass reported that they didn't have a meeting during the EASL Annual Meeting, but they did have a virtual meeting last Thursday at lunchtime. She noted many members were traveling at the specific time that the committee meeting would have taken place, so this schedule was better for the committee members. The meeting was attended by 7 - 8 people and was more successful than all those years of in-person meetings. Everyone was able to speak about their backgrounds and make amazing connections. Also, the committee will be doing a NYFA program with the Fine Arts and Pro Bono Committees on estate planning for artists and authors, a program on artificial intelligence, and possibly

a program giving an update on hybrid publishing.

6. **EASL Bylaws**

Ethan reported that the EASL bylaws have been approved by the NYSBA EC. This happened the day after the EASL Annual Meeting. Sharmin did a great job getting it to them in such a short time. They are effective immediately. Ethan congratulated everybody on a job well done.

Barry Werbin mentioned that we should get the amended bylaws up on the EASL website. He's not sure where exactly or whether it be in the EC section only or publicly available. He also questioned whether we should put the engagement guidelines up as well but is in favor of it for the sake of transparency.

Barry Skidelsky was in favor of putting the guidelines up as well. His only concern was the date that is listed at the top of the bylaws as the effective date; he asked Sharmin if she could make sure that that date reads Friday, January 20th, 2023.

7. **Other Initiatives and New Business**

7.1. **EASL Blog**

Elissa reported that it's supposed to be up, but each time she tries to post an article, it posts to the "Committees" page instead of the blog. She's going to keep trying to get that to work properly. She's also still getting people to send blogs in.

7.2. **EASL Ethics Committee**

Ethan shared that he had a great conversation with Carla Varriale-Barker who was a speaker on our ethics negotiation panel, and she would really like to get involved with the section. Ethan suggested creating an Ethics Committee, remembering that we had one years ago but it's since become inactive. Ethan wanted to get the EC approval first, but he thinks that she would do a great job; she has a great background as the Director of Ethics for the Columbia University Sports Management program.

Anne LaBarbera asked if she could volunteer to be on this committee. Ethan made a motion to create the EASL Ethics Committee, the motion was seconded by Jill Pilgrim, and unanimously approved by the EC. Ethan will inform Carla.

7.3. **Law Student Committee**

Kristin reported that the committee is planning a law student/lawyer networking event in March. They are currently looking at evenings on March 10, 23, or 30th. She shared that they are planning to send out invitations to each of the 15 New York law schools, Seton Hall, and Rutgers. There is no location yet, but the plan is to have the event in the city.

Kristin also let us know that there will be an “ask-and-offer” activity that she’d like to facilitate during the event to help encourage the room to network. Finally, she and her co-chair are open to any suggestions for venues.

7.4. Motion Pictures Committee

Bob Seigel briefly let us know that the committee is all ready for their program on February 9th on Hybrid Distribution. Sharmin said there were 27 people registered for the program already. This is No-Cost, Non-CLE. The committee was not sure whether the program will be recorded. They will check with the speaker (Peter Broderick) for his approval. Larry Sapadin will be speaking with him tomorrow to find out.

7.5. Spring Meeting

Barry Werbin is finding out from Herrick if they can host us for our Spring Meeting. The EC seemed excited about the idea of having Stan Soocher speak again for his yearly Entertainment Law in review. We currently do not have a date for the meeting, but it's usually in May. Judy Bass suggested doing something that can give people a cybersecurity CLE credit, probably AI-related. Anne LaBarbera suggested centering one of the many ongoing lawsuits involving AI-generated copyrighted images. She also mentioned having a potential panelist if we did an AI-related program.

Barry Skidelsky mentioned that in terms of sponsorship, Bloomberg Law keeps sending him information about companies at the intersection of tech, AI, & the law. We could get a sponsor from one of those companies. Judy Bass also mentioned, that there was an amazing speaker from the MBLC that Rosemarie invited, Ryan Abbott, that could be a speaker for this potential program.

7.6. *What Entertainment Attorneys Need to Know about Matrimonial Law and Estate Planning – March/April*

Ethan let us know that there was a conference call yesterday with everyone involved. The event will be in-person, Either in the middle of March or on April 13th at a conference center in midtown at 120 W 45th Street. Ethan shared that he would be reaching out to the Trusts & Estates Section and Family Law Section to see if they would like to co-sponsor this event. This location charges \$300 an hour; we estimate 4 hours plus food. EASL will be covering about 1/3 of the costs, and he’s looking into whether EASL can accept any of the profits from this event—the law firms speaking do not care about the profits from the event. Sharmin let us know that the profits will most likely go to NYSBA. Anne said that if we can’t keep the profits, we should at least be reimbursed for the 1/3 we spend. Steve Rodner and Judy Bass agreed.

The lawyers at the law firm sponsoring, Donohoe Talbert LLP are members of NYSBA, but they are not all EASL members. Anne Atkinson asked whether NYSBA would be paying that 1/3 of the cost if they are to receive those profits. Sharmin said this needs to be investigated. Ethan let us know that regardless, the cost of this is estimated to be around \$600.

Rosemarie asked if we would be having an entertainment attorney on this panel. Ethan didn't say if there was one currently but is open to suggestions for speakers that anyone had in mind. Judy Bass shared that she wouldn't be in favor of the program if we're not making anything, it's costing us money, we can't even control the quality, and we can't have a major speaker as part of the panel. Ethan reiterated that he would investigate costs with NYSBA and find an EASL speaker for the panel. He will reach out and then follow up with the EC in a few days. He also stated that the event would be beneficial to NYSBA and EASL members and if we take a small loss that is what our funds are for, NYSBA and EASL member information outreach and events.

7.7. Legislative Committee - Talent Agencies Act

Ethan reported that the report was still with Leanne Evans at NYSBA, and he will be following up with her.

7.8. Music Business Committee - MBLC

Rosemarie let us know that this wasn't on their Annual Meeting agenda, but the Music Business Committee was thinking about the MBLC. They discussed having a full-day in-person MBLC this year.

Rosemarie's contact from NYLS is no longer there, so we have no idea what to consider cost-wise. It was also mentioned that we might have to consider other venues—Brian Caplan suggested the Cooper Union. NYU's Kimmel Center is also on the shortlist as well as Cardozo. We're looking for a space that can accommodate 130-250 people.

Bob Seigel shared that Cardozo may be a bit too small for that many people. He also shared that in the past there used to be A & B Sections where attendees were split up and could attend different programs at different times. Judah Shapiro shared that he would be willing to be a point person at Cardozo because he's been to large events at Cardozo.

Regarding panels, a litigation panel was discussed, an AI panel, and a beats panel (specifically, how you deal with clearance and infringement) were also discussed. Ultimately there will be around 6 panels with anywhere from 6-7 CLE credits total.

Rosemarie reiterated that they are looking to do it all in-person, but we cannot afford to do it remotely as well. She also believes that the conference fits into one of the categories where we would keep 100% of the income, but she is not sure if this will change. She asked Ethan to get some clarity at the State Bar level on our programs and income from them.

Finally, there may be an MBLC meeting in February or early March.

7.9. Theatre & Performing Arts Program – March 8th, 2023

Jason let us know that the first announcement will be going out next week—Sharmin confirmed. The program will be from 5:15-7:45pm, 2 CLE credits, at the

Dramatists Guild. The seating capacity is up to 60 people; it is in-person only but will be recorded (although not re-broadcasted or live-streamed).

There are three panelists who will be discussing rights agreements, underlying rights agreements, and production contracts with a focus on how COVID has altered the landscape of many of these agreements. Light bites & beverages will be served.

8. **Chair's Remarks**

Ethan shared his thanks to everyone for all the great work. There was plenty of food from Bill's Burgers at the Annual Meeting Reception. There was a mix-up on the milkshakes, but Sharmin swooped in and secured banana pudding and cupcakes for everyone from Magnolia's Bakery. The consensus was that this was much better, so thank you, Sharmin!

Jason suggested that next year we can have the reception in a place that lends itself more to socializing and moving around. Ethan is hoping to have it next year at Bill's Burgers if we can get our numbers up and co-sponsor the event with maybe the IP Section (if it's the same day).

9. **Dates of Future Meetings**

March 12th, 2023

April 6th, 2023

May 4th, 2023 (Hybrid meeting tentatively May 3rd)

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

10. **Adjournment.** The EC meeting was adjourned at 2:17 pm.

Respectfully submitted,
Isaro Carter, EASL Secretary