

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

**Executive Committee Virtual Meeting –
(Wednesday) May 3rd, 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, Bennett Liebman, Bob Seigel, Carol J. Steinberg, Christine-Marie Lauture, David Friedlander, Elissa Hecker, Ethan Bordman, Ezra Doner, Imraan Farukhi, Innes Smolansky, Jason Baruch, Jill Pilgrim, Joan Faier Joyce Dollinger, Judith Bass, Judith Prowda, Kathy Kim, Kyle-Beth Hilfer, Larry Sapadin, Louise Carron, Pam Lester, Phillip R. Hurwitz, Rosemarie Tully, Sharmin Woodall, Steve Rodner

1. **Approval of April 2023 Meeting Minutes** – (Isaro Carter, Secretary¹; Christine-Marie Lauture, Assistant Secretary; Ethan Bordman, Chair)

Ethan Bordman asked the EC if anyone had any revisions for the April EC Meeting Minutes. Jill Pilgrim offered minor revisions. Pending the adoption of those revisions, Ethan moved to approve both sets of minutes, Jason Baruch seconded the motion, and the EC unanimously approved the meeting minutes.

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

Elissa Hecker let us know that the Summer Issue of the journal is currently with the citation editor. There are 13-14 articles, many of which are about AI. The only thing left is to include Ethan's remarks (The Chair's Remarks) about the Spring Meeting. Elissa shared the deadline for the next issue will be around the end of August.

Ethan mentioned that students at the networking event in April were interested in writing an article for the journal. Elissa shared that if the article isn't written through the law student initiative or the Cowan Bresler Scholarship, an attorney has to sign off on the article.

3. **Financial Report** - (Judah Shapiro, Treasurer²)

Judah sent Ethan the updated financial report, and Ethan gave the update to the EC on his behalf. Ethan shared that for the Annual Meeting, the audio expense was \$14,500, and staff and food were around \$8,000. Sponsorship funding and fees have been collected, which brings our approximate total expense to \$23,500. This amount will be taken out of our current surplus. Next year we anticipate having our Annual Meeting offsite, which means our expenses could go down drastically.

¹ Absent from this meeting.

² Absent from this meeting.

Ethan shared that all the section parties have been paid by members, and looking at the report, we get about \$26,000 in membership fees/dues. Ethan shared that Judah doesn't anticipate a significant source of income for the rest of the year, and we will essentially be operating on the surplus, which is currently at around \$80,000. Our surplus was previously \$102,000. Ethan noted that we need to work on sponsorships because that translates to 100% profit for EASL.

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

4.1. Sponsorship Committee – Marc Jacobson – Green Slate

Ethan shared that in a prior conversation with Mark Jacobson, Mark let him know that he has not had any success with a green slate for sponsorships. Ethan also shared with the EC that if we have any leads on sponsorships, he is glad to reach out to anyone and thanked the Sponsorship Committee for all that they are working on.

4.2. Literary Works & Related Rights Committee – Judy Bass

Judy Bass shared that when planning the most recent committee meeting, she and Sharmin discovered that they were members of the committee who had been counted as dropped from the committee. When she and Sharmin looked into it further, they discovered that if you do not re-enroll in a committee when you renew your membership, EASL membership considers you as a dropped committee member. This is an issue because there is no way to re-enroll in a committee when you renew your membership offline. Judy discovered that you can only re-enroll in a section if you're doing it offline.

Judy brought all of this to Sharmin's attention, but at the time of this meeting, Sharmin has received no response or correction for this issue. Judy suggested that everyone looks at their committee list to see if they are also experiencing this issue of inadvertently dropped members. This is a bigger issue than just the committees because our member count might be reflected as less than it actually is.

Kyle-Beth Hilfer shared that she also discovered this issue with the membership of the ADR committee. She agreed with Judy Bass that when you renew your section membership, you should be automatically re-enrolled in your committees.

There was a brainstorming session amongst the EC on who to contact about this issue. Sharmin shared that she contacted the NYSBA Membership Department, and they sent a request to the NYSBA support team so that they can look into it and see what can be done. Sharmin also shared that Vicky Shaw is the head of the Membership Department.

Steve Rodner added that his firm pays for his NYSBA membership, so he doesn't even see anything and wouldn't even have the opportunity to choose a committee. This brought up the important point that others might be in the same position.

Aside from all of those issues, Judy Bass shared that the committee meeting was very successful. One guest speaker, Umair Kazie, who is the Director of Policy and Advocacy for the Author's Guild, spoke at length about AI what the policies are and what

the authors Guild is doing to advocate for those different policies. Judy Bass also shared that when she sent an e-mail to thank Umair for his participation, when he wrote back he asked if EASL had any plans to create an AI committee with a cross section of copyright, First Amendment, right of publicity, and trademark practitioners. Judy Bass thought this was an excellent idea and has proposed that we have a new special committee on just that. Barry Werbin expressed his interest in the committee and shared that he would consider Co-chairing it. Judy Bass said that she would Co-chair the committee with him.

Barry Werbin then asked what would have to be done to create the committee and add it to the NYSBA website. Judy Bass had the bylaws pulled up and read aloud the rules on appointment of special committees. Judy Bass then questioned if we wanted to immediately open it up to the public or maybe we should have a task force first, similar to how the Pro Bono and Diversity committees work. Elissa Hecker and Judith Prowda agreed.

5. **Other Initiatives and New Business**

5.1. EASL Blog

Elissa shared that everything is working with the EASL blog. She noted that she has to cross-post them on the community page to let people know that new articles have been posted. That said, everyone can keep sending in the articles.

Barry Werbin shared that the EASL blog is not public. Elissa shared that she has been trying to change that setting through the proper channels but has absolutely no control over it. He also shared that he doesn't get any e-mail updates for things that are posted on the community page and suggested that there should be some type of weekly or monthly e-mail blast that goes out to update community members on the community page updates. Elissa shared that she doesn't have any control over that and agrees with Barry that the notifications should be sent to everyone.

Barry Skidelsky shared that he may need to reach out to someone in connection with his role in the Section Caucus to address the Community notification issues, the EASL Blog issues, as well as the Committee Membership issues.

5.2. Spring Meeting – Thursday, May 11th at Dorsey 1:00pm – 5:30pm – 3.5 CLE - Chairs – Robert Seigel, Larry Sapadin, Barry Werbin, Judy Bass, Sarah Robertson, Stephen Rodner

5.2.1. Think FAST: Dealmaking for Ad-Supported, Internet-Delivered Television (1 CLE)

Larry Sapadin shared that he had a recent call with three out of four of the panelists, and everyone is on board. The panelists will be contributing materials. The panelists are very knowledgeable in the space, and it should prove to be a great panel discussion.

5.2.2. Voice and Likeness Publicity Rights in AI-Generated Content (1 CLE)

Barry Werbin shared that they are just about done planning this event. This

planning committee is scheduling a final panelist dress rehearsal over Zoom, and they're still waiting on materials and headshots from the panelists. Judy Bass shared that we have a very knowledgeable panel, and we may be one of the first organizations that talk about AI and publicity rights in the entertainment/content-creating context.

5.2.3. Entertainment Law Year In Review (1.5 CLE)

Stan Soocher will be joining us again for this conversation. Sharmin shared that there are 19 people registered so far; half are live, and half are online/virtual. Ethan noted that another 15 people will be in attendance because we've got the speakers, the panelists, and the committee chairs who will be present. We have to work on attendance because we do not want to have an empty room, and there will be enough food for 60 people. Barry Werbin shared that a week out from the meeting, these numbers are abysmal. He suggested that we have to look into this and figure this out because this would be very embarrassing to have invited her profile panelist with only a few people attending.

Sharmin shared that another E-blast for this meeting would be going out this week, and it would go out to all of the EASL section members as well as people who have indicated an interest in this practice area. Judith Bass suggested that it doesn't go out in an E blast with other section meetings and that words like AI are prominently displayed so as to draw people in. Bob Seigel asked Ethan if we could have a "Message from the Chair" go out to EASL regarding the Spring Meeting. Ethan agreed to send one out.

5.3. House of Delegates – Barry Skidelsky; New Representative – Bennett Liebman – June 1, 2023

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

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

Barry Skidelsky shared that because he will be on the NYSBA EC, he will no longer be eligible to be EASL's delegate to the House of Delegates. Thus, we need a new primary and alternate delegate (which can be between Barry Werbin and Bennett Liebman).

Barry S. also shared that the NYSBA business model document that came with the materials for today's meeting was an old draft. There was an update that Barry S. Shared with Ethan that will also come from the State Bar to every section chair. To sum up the new model, NYSBA is looking at a subscription model. As in, you pay a subscription fee for your NYSBA membership, and with your membership, you should get a couple of sections free; you can get all the CLEs that you can take on free (provided that it is recorded and on-demand or virtual only at the time it is held live.)

Barry S. also shared that there is an NYSBA-wide movement to move away from the Hilton for the Annual Meeting and the Otesega Resort. After a discussion about how ineffective the NYSBA website and organizational structure is at providing value to

members, the discussion was tabled until there is a real proposal to deliver to NYSBA.

Ethan shared that he spoke with Bennett about the House of Delegates position, and he accepted. Bennett shared a few words about his past experience as a delegate 15 years ago and shared that he'd be happy to serve and make sure our voice is heard in Albany. Ethan then made a motion that Bennett Liebman be EASL's new representative in the House of Delegates. The motion was unanimously passed by the EC, and Bennett will start on June 1st.

5.4. Talent Agencies Act of New York – Leanne Evans, Government Relations Policy Manager

Ethan received word from Leanne that we will have a condensed timeframe to get the bill passed. Ethan shared that he would set up a call between himself, Marc Jacobson, and Leanne Evans so that they can discuss how to start pushing the bill more. He also made a call for any suggestions.

5.5. MBLC – Friday, November 17th, 2023

Rosemarie Tully shared that there is still no official location for the MBLC as of yet. There is still an opportunity to do it at New York University, but she's not sure that that will come to fruition. She shared that the planning committee is currently very interested in the American Arbitration Association and guesses that this is where the event will probably be hosted. The planning committee will be deciding on the location, hopefully in the next couple of days. Rosemary also anticipates that topics will be finalized by the next EC meeting, hopefully.

Regarding the Spring Meeting, Rosemarie shared that Frankfurt Kurnitz has its Annual Legal Ethics Summit on the same day, at a similar time, and it is free. She isn't sure if that's taking attendees away from us, but she was just throwing that out there so that we would be aware.

Regarding the new NYSBA proposal for a subscription model, she noted that this basically leaves us where we are now with just being able to do programs that we can retain the revenue on. We should be keeping that in mind because it sounds like everything else has to be virtual, and we don't participate in that revenue.

5.6. NYSBA Section Open House

Even shared that this event will be postponed until Fall 2023, it will be very similar to the networking event that we did with the law students a few weeks ago period. They are still looking for attorneys with zero to two years of experience, three to five years of experience, and then five years plus of experience to speak with students. The event will be virtual.

5.7. “What Entertainment Attorneys Need to Know about Matrimonial Law and Estate Planning” – postponed until Fall 2023

Ethan shared that this event is still postponed until the fall. He will be reaching out to

Ed McCoy to check on his dates, and he will know a little bit more about where he stands for that and will share details at the next EC meeting.

5.8. EASL Hybrid Capabilities

Ethan shared a general reminder to all the committees that when we're hosting events, please make sure that there are hybrid capabilities.

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

Ethan shared with everyone that the scholarship is open, and we have plans to push it a little bit more in the fall. Still, he wanted us to have enough time to spread the word, and the deadline will be January 3rd, 2024.

5.10. Annual Meeting – Thursday, January 18th – Discuss EC Meeting Time, CLE Topics, Section Meetings, and Location

Ethan opened the floor to suggestions on topics for our 2024 annual meeting. Judy Bass suggested that if we want to think about doing something else that's AI-related, we can do a cross-section of AI and all of the different section practice areas. It could make for a very interesting panel. Bob Seigel suggested tabling this until after the spring meeting, as the spring meeting could serve as a trial run for such a panel.

5.11. Welcome to Joyce Dollinger - EASL EC's new Member at Large

Ethan welcomed Joyce and invited her to say a few words. Joyce thanked everyone, expressed appreciation for the opportunity, and shared that she was happy to be back.

5.12. Pro Bono Committee

Elissa Hecker shared that we have our next pro bono clinic set up. On Friday, June 23rd, there will be a pro bono clinic at the Huntington Arts Council between 11 AM and 2:00 PM. Elissa emphasized that we want to make sure that attorneys who live and work out on Long Island know that this opportunity is available. This will be in-person only as the clients are coming in person.

5.13. Theatre & Performing Art Committee

Jason Baruch provided an update on the next module of the theatre program. It will be on financing. They have a space that can accommodate up to 70 people, and they are looking to schedule it on June 14th from 5pm to 7:30pm. He just wants to make sure that there is no conflicting event already in place. Sharmin shared that there is no conflicting event. Jason shared that he would get all of the relevant information to Sharmin as soon as possible.

Ethan shared that he composed a letter to NYSBA to let them know that this series of events is going to be a seasonal event and, therefore, the Section deserves to retain all

the profits and reimbursements necessary. As of now, it will be reviewed by the Finance Committee. We have indicated that it is a seasonal event starting this year, so we are looking to be reimbursed for the March event profits and then continue to retain profits going forward. Jason shared that the first of the four programs in the series generated around \$3,500 of income, and altogether, it can generate close to \$15,000.

5.14. ADR Committee

Judith Prowda shared that the ADR Committee would be holding a meeting the day after this meeting at 4pm. She noted that a couple of people have signed up and hopes that more of us can join them tomorrow at 4pm.

5.15. June 7th EASL EC – In-Person Lunch Meeting

Ethan shared that the next EC meeting will be a hybrid meeting at Pryor Cashman. Lunch will be provided, and it will be great to see everyone. He just wanted to open the floor to see if anyone would be willing to attend in person. Several EC members indicated that they would be attending in person .

6. Chair’s Remarks

Thank you to everyone for all their work and help! He also shared that we really have to push attendance for the Spring Meeting.

7. Dates of Future Meetings

Future Meeting Dates – Wednesdays 12:30pm – 2pm

2023

June 7th (In Person Lunch Meeting at Pryor Cashman – Hybrid will be available) - Thank you to Anne Atkinson & Stephen Rodner

July & August – NO Meetings

September 6th

October 4th

November 1st

December 6th

2024

Annual Meeting –Thursday January 18th, 2024 – 1:30 – 5:30pm - Location – TBD

8. **Adjournment.** The EC meeting was adjourned at 2:07 pm.

Respectfully submitted,

Isaro Carter, EASL Secretary