

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

**Executive Committee Virtual Meeting –
(Wednesday) June 7th, 2023, at 12:30 PM**

Minutes of EASL EC Meeting

Attending in person: Anne Atkinson, Jason Baruch, Ethan Bordman, Ezra Doner, Anne LaBarbera, Jill Pilgrim, Kathy Kim, Diane Krausz, Kristin Paradisis, Steve Rodner, Larry Sapadin, Judah Shapiro, Bob Seigel, Carol Steinberg, Rosemarie Tully

Attending by Virtual Conference (ZOOM)/Telephone: Avita Delerme, Barry Werbin, Bennett Liebman, David Friedlander, Donna Frosco, Elissa Hecker, Imraan Farukhi, Isaro Carter, Joan Faier, Judith Bass, Louise Carron, Phillip R. Hurwitz, Sharmin Woodall

1. **Approval of May 2023 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 May EC Meeting Minutes. There was a revision to correct Judah Shapiro's name. Pending that revision, 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 almost ready for the galleys. Elissa also shared that the deadline for the Fall Issue will be in August. She doesn't have an exact date yet but, is still accepting submissions. Specifically, Elissa shared that there is a great interest in articles with topics relevant to theatre, fashion, and many other areas we don't usually see in the journal.

Regarding the EASL Blog, Elissa shared that it is up and running and that everyone should be getting post updates. She also recognized Bennett Liebman for his weekly updates on the EASL Blog. She encouraged the other committees to consider doing the same.

Finally, Elissa shared that the EASL Pro Bono Clinic will be held on June 23rd at the Huntington Arts Council in Huntington, NY, from 10am-2pm. Ten members have already signed up, and all interested are encouraged to send her an email. It is anticipated that there will be quite a few clients. Anne LaBarbera asked about directions, and Elissa & Rosemarie Tully provided them.

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

Judah started by sharing that our financial report shows a surplus of around \$90K. That said, Judah and Sharmin had discussed that in July, Albany will be making some adjustments for expenses that might not be reflected in the current surplus figures. Taking that into consideration, our surplus might actually be more in the \$80,000 range as opposed to the \$90,000 range come

July. Judah promised to send that updated report out in July when it is available. Judah also shared that we have about \$750 per committee for events/meetings, and if you don't use it, you lose it.

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

4.1. Sponsorship Committee

There were no updates this month. Ethan reminded everyone to continue our efforts to secure sponsorships as EASL will keep 100% of the revenue from sponsorship dollars. He emphasized the MBLC and Annual Meeting as events that would greatly benefit from sponsorship dollars.

4.2. Seminars on Timely Topics – Ethan Bordman, Chair

Ethan made a note of the importance of the committees holding seminars on timely topics. For example, he noted that the Ed Sheeran case, which has been featured throughout the press, is an example of a topic that could be discussed in a seminar. Ethan suggested that when things like this come into the media, we should jump on it and organize a brown bag lunch surrounding it or something similar. By having no CLE for the event it can be planned very quickly. Elissa Hecker suggested writing a blog post as well. Steve Rodner mentioned he tried to get Pryor Cashman (they're on it) to do an event on the Ed Sheeran case, but it fell through.

Rosemary Tully shared that the music committee was interested in doing something like that specifically for the Ed Sheeran case, but she didn't really want to do it unless they were going to involve the people that were actually working on the case. That said, it is still on the table for the MBLC later this year. Bob Siegel also noted that the interesting part of this case was really the trial strategy that the lawyers were using and not so much the fact that any new groundbreaking law was being carved out in the case.

Ethan also mentioned that there was another interesting case where a lawyer is suing Avianca Airlines and used AI to pull up relevant caselaw, but the cases the lawyer cited were all fake – generated by ChatGPT. Ethan shared that Carla Variale-Baker is interested in doing a CLE on the ethical considerations of using AI in the legal profession based on this. Anne Atkinson added that AI is also a point of contention in the WGA and SAG-AFTRA negotiations that are going on right now and could be something that we consider as a potential topic at the Annual Meeting. Anne LaBarbera shared that, regarding AI, between Canada and the US, the big sticking point is the transformative use and that conversation could be suitable for doing some kind of event, especially post-Warhol (the recent case).

4.3. EASL Blog – Elissa Hecker

Elissa succinctly reiterated that everything was fine with the EASL Blog.

4.4. EASL Budget(s) - start thinking about initiatives for 2024

Ethan encouraged committee leaders to start thinking about their initiatives for 2024 because, in a few months, we will have to submit the EASL budget.

Jill Pilgrim asked if the Sports Committee decided to buy a block of tickets for a WNBA game, would people go? There was a resounding yes from the EC. Joe mentioned that the sports committee could use their current budget, seeing as they haven't used any yet. Ethan suggested doing a poll and seeing what the responses were like. He also noted that despite not having meetings over the summer, events like what Jill mentioned would be really good for the section.

4.5. NYSBA Membership Subscription Model

Ethan shared that NYSBA has a proposal for a new membership model for 2025. According to NYSBA, for a flat fee (higher than what we're paying now), we will be able to pick two sections to join and have access to unlimited on-demand CLEs. You will also have access to every journal publication from every section, not just the sections you joined, and you will get access to all the legal forms and related resources that NYSBA offers. Live events are not included, and you can join additional sections for an additional fee. Attending any live meetings virtually is included, though.

For attorneys with zero to two years of experience, the membership fee will go up from \$85 to \$179; membership for attorneys with three to six years of experience will go up to \$299; and attorneys with seven plus years of experience will go up to \$395 a year up from \$275. The sections that we would all most likely join include intellectual property, dispute resolution, and labor and employment, and these are all \$30 to \$35. So, if you tack them on and pay upfront, you will save 10% on your subscription. This is not a monthly subscription; it is a yearly subscription, though members can choose to pay monthly.

Ethan noted that the fact that people would not have to pay any additional fee to attend a live event and could just attend virtually might discourage people from attending live events. He brought up this issue with NYSBA, and they responded that the sections would have to do events that lure people into the live event. Ethan shared that there have been suggestions for doing events that could only be done as a live event. Sharmin also suggested delaying the posting of live events to encourage people to actually attend the live event.

Ethan then went on to explain that the money that we would get from NYSBA from these membership fees would be based on the number of members in EASL and the number of overall members in NYSBA (like a royalty rate). He also noted that we have to work on membership now that we're going to be under this model. He illustrated this by letting us know that currently, we have around 750 paid members in EASL, and we have somewhere around 1,100 members overall, but most of them are law students and other people that have fees waived. So, with these numbers, we would get around \$26,600 from NYSBA. Last year we got around \$26,536, so it would still be pretty close to what we were already getting. That said, if we bump up our paid membership numbers by 150, we would go to 900 paid members, and that would give us \$34,000 from NYSBA. That would be an \$8,000 increase in money for our budget. For comparison, the bigger sections that have, 2000 members will receive around \$68,000 under this new subscription model.

Despite all of this the new subscription model is not yet a done deal they are still discussing it up in Albany. Jason Baruch shared that this could be terrible for live CLEs. Ethan shared that this new model would generate \$120.40 more per member for NYSBA

especially since the organization is down in membership since COVID. Carol Steinberg suggested that NYSBA fixes the website and all of its glitches, like the dropping of committees unintentionally, and have better advertising for events, amongst other things, if membership is to be improved.

Jill Pilgrim shared that she was looking at the statistics of members who were surveyed, and apparently, 74% of those surveyed preferred virtual programming. If the goal is to cater to future generations of NYSBA and to increase membership, we have to create value that our membership can actually see to attend a live event. She also highlighted the differing interests and motivations between our younger members and our more experienced members, regarding attendance at live events. Ethan said these were great points.

Kristin Paradisis responded to Jill and also echoed her sentiments. She shared that for younger attorneys, the draw for membership and attendance for EASL, in particular, is to come in person & network with experienced attorneys in our practice area. That said, when she planned her last networking event for her committee, it didn't seem like many attorneys in the section found it compelling. Despite this, Kristin shared that it might be a good idea to use the app [HiHello](#) to easily exchange professional contact information during networking events. She also suggested having a group chat for the different sporting events that we go to, as well as having a better Instagram presence seeing as everyone is already bombarded with emails as it is. Furthering the idea of the Instagram presence, we can tag all of the relevant student organizations when we make posts and have direct interactions with all of the presidents & vice presidents of said organizations so that they know what EASL is doing and working on.

Kristin also shared that she was just speaking with Carol Steinberg about possibly having a painting sip event. She mentioned knowing an artist that could potentially be an instructor for this kind of event. The idea is to have this instruction-based painting event with networking to follow or maybe even an IP panel.

Jill responded and echoed Christine's sentiments and also mentioned that there might be a way to bridge the gap between the generations surrounding social engagement. Anne LaBarbera agreed because in the Young Lawyers section, there were people that would come to the Zoom meeting but were essentially getting lost in the sea of people attending. She shared that they began to remedy this by actively engaging with the audience and not just focusing on the speakers.

Rosemarie Tully shared that given this new subscription model, we're going to have to be more deliberate with the programs that we put on throughout the year. Particularly in the sense that where before it was just easy enough to host a CLE event by saying "We want to host this CLE event" and then doing it, it might now be a more drawn-out process in 2025 and beyond. Bob Siegel added that there should probably be a way for the section to retain part of the revenue that goes into a live meeting because of the additional cost of having live meetings.

Jill Pilgrim wanted to know what EASL's comment to NYSBA's Finance Committee was concerning this new subscription model proposal because she observed that the ADR section pushed back on this proposal very hard. They also added that if sections have the

financial wherewithal, they should be allowed to put on events that are not revenue-generating and, in fact, lose money because certain events attract potential members and promote sustained membership. Bob Siegel responded that if all of the sections do take on this perspective, then we would all essentially be relying on NYSBA for funding, especially since sponsorships are really a mixed bag at worst. It might be that NYSBA doesn't want us to put on revenue-generating programming anymore, and we will just have to rely on whatever is doled out to the sections every year.

4.6. Spring Meeting 2023 – Recap

Larry Sapadin shared that his group's program was a great success. The program was about the evolving, streaming world with the recent emergence of FAST and the tensions it has created in licensing. There were around 72 registrants, and around 40 people attended in person.

Judy Bass shared that her group's panel was about the impact of artificial intelligence on performers, musicians, and others. It was an amazing panel (Barry Werbin later echoed this sentiment) and possibly one of the first done about the impact of AI on the right of publicity and the rights of performers and actors. Panelists included the general counsel of SAG-AFTRA, the chief legal officer of the recording industry of America, a licensing expert, and an amazing litigator who has represented the estates of Jimi Hendrix and many others. Judy highly suggests that anybody who has not yet had a chance to see it definitely should at some point. Judy also suggested that we do a follow-up panel next year as this area of the law progresses.

Finally, Ethan shared that Stan Soocher gave his annual panel, which was great. Later in the meeting, Barry Werbin corroborated this and shared that the Spring Meeting reception was also lovely, despite many people not staying for it.

4.7. House of Delegates

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

Friday, January 19th, 2024 – New York City (Annual Meeting) – In-Person or Virtual

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

Ethan received word from Leanne that at one point, she was speaking with Senator Kavanagh's team, who is in the process of reviewing our proposal to determine whether he will introduce the bill. Soon after, she said that she was awaiting a response. Ethan shared that he hopes there won't be any difficulty in passing this bill, but we will stay on top of it in terms of making sure that attorneys are waived out from talent agency registration.

4.9. Theater and Performing Arts Committee – Fundraising For Commercial Theater - June 14th

Jason Baruch shared that the Theater Committee will be having their theater program on Wednesday, June 14th, starting at 5:15 PM. It is being held at Loeb & Loeb. The topic is theater financing, and the panelists consist of two attorneys as well as another theater financing professional. Registrations are currently in the low 20s, but the room can accommodate up to around 50 or 60 people. There will be light food, wine, and beverages served.

Jason asked Sharmin when the last EASL blast about the event went out, and Sherman responded that it went out a day earlier (June 6th). Former Commercial Theater Institute (CTI) alumni, which is a group of around 15,000, many of whom are not lawyers, are invited, as well as members of the Theatre League. Tickets are \$65 for EASL members.

Finally, Jason discussed that there is still the question of whether we'll get to keep all of the money for the event or not. Considering all parts of this 4-part series, we are looking at around \$15K in potential income. Ethan said he will reach out NYSBA to see if it can be considered the first of Theater committee's seasonal meeting.

4.10. ADR Committee – High-Profile Arbitration & The Press: What About Confidentiality? – June 20th

There were no updates for this event. It will be a virtual event.

4.11. Literary Works & Related Rights Committee

On June 8th, from 1-2 pm, Judy reported that her committee is having an estate planning program. It is specifically about what lawyers need to know about estate planning for authors. 87 people have already registered.

4.12. MBLC – Friday, November 17th, 2023

Rosemarie Tully shared that most of the topics are pretty well defined. She also shared that for the next meeting, the topics will be circulated. It's a full-day event; there will be a light breakfast, a lunch, and if a sponsor can be secured, a reception too.

4.13. Introduction to Entertainment Law for NYSBA Members – Fall 2023

Ethan shared that NYSBA may still want us to do this, and we will not be keeping the revenue from the event. That said, it is an opportunity to build our membership. We have some time in November, according to our current calendar of events, to put on this program. Even the end of October is available.

Diane Krausz mentioned that she has a syllabus that she is happy to share for this event. Ethan thank

4.14. NYSBA: Section Open House – Fall 2023

No new updates here. This event is postponed to the fall.

4.15. Law Student in the Mix: An EASL Networking Event – Fall 2023

Kristin Paradisis shared that there was a lot of positive feedback from law students about this event in Spring. There was feedback from the attorneys that the event should be 1.5hrs as opposed to 2hrs in the future. She also emphasized that events like this are also a great way to boost law student membership. She is working on a similar event for Fall.

4.16. EASL Hybrid Capabilities

Ethan made a note for everyone to continue to keep in mind having hybrid capabilities for all of the events that we're planning to the extent that it is possible.

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

Ethan again shared that we are accepting submissions, so if anyone knows any law students, or has any classmates, please spread the word. Materials are ready to push out. Sharmin will be sending out an e-blast regarding the scholarship to all EASL members this fall.

4.18. Annual Meeting – Thursday, January 18th, 2024 – Discuss EC Meeting Time, CLE Topics, Section Meetings, and Location

Ethan shared that in addition to the potential panel that Judy Bass mentioned, we are looking to host our annual meeting at Dorsey. Ethan already spoke with Sarah Robertson about that. Dorsey has video streaming capabilities, cameras for speakers, and enough space for people to attend in person. Ethan is thinking of having the reception either at Bill's Burgers like we usually do or at Dorsey with the food delivered. The space we would have at Dorsey can be rearranged to host the reception.

Anne Atkinson shared that it would be a good idea to go over the new guild agreements which will, hopefully, be negotiated by then. Especially as they will surely have an AI component to them. Anne LaBarbera mentioned being able to get the Canadian lawyer she mentioned earlier in the meeting for a possible panel on AI's impact on different industries.

Regarding AI, Donna Frosco suggested we wait to see what to do because, apparently, the EU is about two, or so they say, adopt the first attempt at regulating AI. Ethan shared that we should also be including an ethics credit for our annual meeting programming, and Diane Krausz also brought up our new cybersecurity credit requirements. Ethan also mentioned that we can group our cybersecurity credit with our ethics credit when planning these programs. Barry Werbin later confirmed this. Anne Atkinson said that we might be better off leaving cybersecurity to another section, seeing as it is so hard to make that specific distinction when planning a program. Barry Werbin agreed that this might not be appropriate for our section.

Ethan shared that the IP section has discussed doing something social with EASL during the annual meeting, so, we will be keeping that in mind when planning. It might be hard to do something from a social perspective, but it has been discussed and will be discussed further in the future.

- 4.19. By-Laws NYSBA and EASL reimbursement expenses – add clause – must be pre-approved.

Article X – Meetings – add Section 5 or Article XI – Miscellaneous Provisions – Section 4

NYSBA has requested that we include language in the bylaws that indicates that before any expense is paid out by a member, on a member or on behalf of the section, the Chair must first pre-approve of the expenditure. Suggested language drafted by Ethan is below.

Suggested: *“Expenses or costs to book, reserve, produce, plan or attend any event or meeting for EASL must be approved in advance of the EASL member obligating themselves or obligating EASL for the expense or reimbursement of such expense. Such pre-approval will occur from the current EASL Chair.”*

5. 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 Annual Meeting.

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

2023

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

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

Respectfully submitted,
Isaro Carter, EASL Secretary