

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

**Executive Committee Hybrid Meeting –
(Wednesday) October 4th, 2023, at 12:30 PM**

Minutes of EASL EC Meeting

Attending by Virtual Conference/Telephone: Andrew Seiden, Anne Atkinson, Avita Delerme, Barry Skidelsky, Barry Werbin, Carol Steinberg, David Friedlander, Elissa Hecker, Ethan Bordman, Ezra Doner, Isaro Carter, Jason Baruch, Jill Pilgrim, Joan Faier, Judah Shapiro, Judith (Judy) Bass, Judith Prowda, Kathy Kim, Kristin Paradisis, Kyle-Beth Hilfer, Larry Sapadin, Louise Carron, Marc Jacobson, Pam Lester, Robert (Bob) Seigel, Sharmin Woodall, Steve Rodner

1. **Approval of September 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 June EC Meeting Minutes. There were two changes, one from Jill Pilgrim that she sent in via email and another from Judy Bass concerning a typo. Pending those two revisions, the EC unanimously approved the meeting minutes.

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

Elissa Hecker let us know the EASL Journal is in. Elissa also said there is now an updated article on both the strikes (WGA, SAG-AFTRA) in the coming issue. The completed issue should be ready for the galleys soon. Elissa also asked if there was anyone working with or knows anyone who is working with the Communications Decency Act and how it may end up working with or regulating AI.

Separately, Elissa mentioned that the Pro Bono committee is looking for more hosts for future clinics so, if anyone is involved in an EASL related non-profit that is interested in hosting, please let her know.

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

Judah began by sharing that there were no unusual expenses in the financial report. He then shared that between this meeting and the next EC meeting he will be meeting with Karlie Keisler from NYSBA. He noted that he wanted to coordinate with Ethan to know how he should approach discussing the theatre program revenue issue. He also wants to discuss with her the surplus because it is still high, he's not sure why, and wants to know what expenses might not be getting accounted for from the first eight months of the year. That said, the surplus still reflects \$94,000. Kathy Kim provided context that the surplus will remain fixed for the year and only gets adjusted after December. Judah was still concerned that there were no changes in the line items of the August report and resolved to get more information about it before the next meeting.

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

4.1. Sponsorship Committee

Very briefly, Ethan shared that Marc Jacobson is working on a few sponsors for the MBLC and other initiatives as well. Ethan will be following up with Marc.

Marc Jacobson joined later in the meeting and shared that there are two companies that are interested in sponsoring our programs. One is an insurance broker and the other is Flagstar Bank, which was Signature Bank. Sponsorship interest materials were distributed to them. Marc also shared that he sent Ethan a list of sponsors from the Hamptons International Film Festival and thought if there are others who are interested in helping to secure sponsors, looking at that list may pique their interest & help think of someone else they would approach.

5. Other Initiatives and New Business

5.1. Budgets for Section – Start thinking about initiatives for 2024

Ethan again encouraged the EC to start thinking about initiatives for 2024 and 2025 about what we would like to do regarding programs and regarding the spring meeting programs.

5.2. House of Delegates – Barry Skidelsky – New EASL Committee Website/Social Media Committee to interface with New Section Caucus committee to Help NYSBA Improve Website and IT

Barry Skidelsky shared that the Section Caucus and the EC are waiting on NYSBA to update us on three things: (i) the website, (ii) the new membership model, and (iii) the new financial guidelines. Barry also shared that he would be appearing virtually for the meetings on 11/3 & 11/4.

Barry Skidelsky asked for clarification on who the co-chairs were for the new Website/Social Media Committee. Sharmin Woodall shared that she would find out. Barry Werbin shared that we might not actually have one because that committee might not exist. Judy Bass shared that on the website, that committee is listed under special committees. Elissa Hecker shared that it's probably a legacy committee from when, in the early 2000s, EASL created a website before NYSBA created an official website. Aside from this Barry Skidelsky let us know that he's taking comments, other than what's already been shared, on the website to take back to NYSBA.

Future HOD Meetings:

Friday & Saturday November 3rd-4th, 2023 – NYSBA Bar Center – In-Person or Virtual

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

5.3. Talent Agencies Act of New York – Lena Faustel, New Government Relations Policy Manager

Ethan shared that Anthony Macerola from Senator Kavanaugh’s office reached out for a meeting with David Miranda, General Counsel from NYSBA, and Lena Faustel. This will be a Zoom call on October 19th, 11am. Marc Jacobson and Ethan Bordman EASL will be on the call.

5.4. Updates to New York State Film Tax Credit Program – Marc Jacobson, Robert Seigel, Larry Sapadin – Motion Pictures Committee – Thursday October 12th – 12pm – 1pm (No CLE) –Virtual

Bob Seigel shared that for this event, Marc Jacobson will be moderating and providing the legal overview. There will then be a panel discussion about the revisions in the Tax Credit Program with individuals who have gone through the process and deal with the tax credits daily. Bob also said that Marc is looking to secure a panelist from the Governor’s office as well. There will also be a Q&A portion for the audience.

5.5. MBLC – Friday, November 17th, 2023 – 8:15am – 5:15pm- In-Person at American Arbitration Association 150 E. 42nd Street – 17th Floor (Between Lexington and 3rd) – Rosemarie Tully

Ethan noted that Rosemarie couldn’t be at the meeting but that we should all mark down the above listed date and times on your calendars. Judy Bass noted that it seems like this event is not at all virtual and is not sure if it will be recorded. She noted that it’s against our policies to have large scale events without a hybrid option. Ethan mentioned that he would touch base with Rosemarie about this.

5.6. Sports Law Committee Brown Bag Lunch

Jill Pilgrim shared that she and Pam Lester are planning a light, informal, virtual program on Breaking into Sports Law. It will be an introductory program on October 18th from 12pm-1pm. The plan is to have an informal discussion amongst several sports law practitioners.

5.7. EASL International Committee

Barry Werbin shared there is a program being planned for December 5th, tentatively, co-sponsored by EASL’s International Committee and the NYSBA’s International Committee. This program will be a virtual webinar focusing on international sports licensing and related issues.

5.8. NYSBA: Section Open House – Fall 2023

Ethan shared a quick update on the section open house (October 5th, 3:30pm-5pm). Anne LaBarbera, Chritine Marie Lauture, and Ethan are scheduled to speak.

5.9. Diversity Committee – Anne Atkinson, Cheryl Davis, Robert Seigel, Larry Sapadin – Diversity in Filmed Entertainment November 2nd 5:00pm – 7:00pm – 2 CLE – Hybrid – In-person at Pryor Cashman with refreshments

Anne Atkinson shared that Cheryl Davis will be moderating the panel. There are three speakers, one from the Hollywood Reporter, one is General Counsel of the Author’s Guild who is also a WGA member, and the other is a lawyer from Pryor Cashman. There was an

issue of a hopeful panelists' honorarium request. There are also hopes to have the head of UCLA give a report as well as efforts to secure a panelist from one of the major studios, Netflix, or one of the TV networks that has a robust diversity program.

Anne Atkinson also reported that NYSBA has agreed to a \$25 fee for 2 CLE and a reception. It will be \$40 for non-EASL members and \$60 for non-NYSBA members.

5.10. Theatre Program as Seasonal Event – Ethan Bordman, Jason Baruch

Ethan shared that he had a call with Jason Baruch, Sharmin Woodall, and Kathy Suchocki from NYSBA about the Annual Theatre Program. Ethan explained to NYSBA that this program is a seasonal event that EASL has been running for nine years (~7-8 before the COVID lockdowns) and it was not a new program when we resumed hosting the event this year. He also explained that there was a new name because CTI was no longer involved.

Ethan also shared that Kathy Suchocki informed everyone on the call that EASL had not actually received the revenue from the program from 2012-2019. This amount is in the ballpark of \$12-\$16K. She claims that it was a mistake if we did because it should have been received by NYSBA. Ethan then asked Judah if he would look into the past numbers and see if that money was ever received by EASL.

Steve Rodner asked why NYSBA said the money should have been going to them. Ethan explained that according to NYSBA, the way it works now is that each section is allowed to have two seasonal events and any number of destination meetings (which we don't do) besides the annual meeting and that ours is the Spring Meeting and the MBLC. According to NYSBA, this was supposed to be the case back then as well.

Anne Atkinson responded that at the time, this wasn't the case and that this is a new rule. Ethan agreed and said that our first step is to see whether we received the money in those years. Bob Seigel shared that when he wrote checks to register for these events, before NYSBA had a website, he always made the checks out to NYSBA and not CTI.

Jason Baruch shared that he believes the money might've been received by EASL because he recalls our surplus continually increasing. He believes that NYSBA put the money into the EASL account because he recalls they would wait to see what the expenses were, then send CTI their share and then give EASL our share. He also shared that NYSBA made it very clear that moving forward, NYSBA will not be considering the theatre program a seasonal event. Jason shared that while this might change when and how the theatre program is put on, he will not stop planning them.

Judah Shapiro asked who the point person is at NYSBA for this money issue. His concern was NYSBA looking to get that money back. Judy Bass asked why there is no revenue sharing structure like there is in other organizations. This structure does not incentivize section programming. Anne Atkinson agreed and shared that we've even suggested this to NYSBA previously to no avail.

Steve Rodner asked for clarification on retention of sponsorship dollars. Ethan clarified that the section keeps all sponsorship revenue.

5.11. NYSBA Working Group – September 14th & 21st – 12:pm – 1:30pm – Ethan attended –EASL EC Input, Ideas, Suggestions – Recap

Ethan noted that he disseminated the slides from this working group to everyone. He recapped that it seems like the Annual Meeting will remain a January meeting because that month is the most convenient for the membership. It is also a priority to keep the annual meeting in a central location for the majority of NYSBA's members—that happens to be NYC. The 2024 Annual Meeting will be held on site at the Hilton and then the contract with them will be ending. So, a new location will have to be decided upon. Ethan then opened the floor to any comments, concerns, or suggestions.

Jill Pilgrim asked if there was a discussion amongst NYSBA leadership at this meeting about NYSBA's value proposition to its membership. Ethan responded that there was heavy discussion about membership and the push for increasing it.

Anne Atkinson asked what was discussed about making the Annual Meeting hybrid. Ethan responded that they discussed that making the meeting hybrid which was very expensive at the Hilton and NYSBA has been hoping that sections would be having off-site meetings in the future. Anne noted that accessibility is an issue for a lot of members and prioritizing accessibility could help bolster membership.

5.12. Fine Arts Committee Update

Carol Steinberg reported that the Fine Arts, Pro Bono, and Literary Arts Committees planned two terrific programs with NYFA. The first was on September 21st and it was very well attended and met with overwhelmingly positive feedback. She also noted that there was feedback from an attendee who said that we should consider making programs accessible to people with learning disabilities. Kyle-Beth Hilfer shared that for this program there were several questions in the chat that were really seeking legal advice, which we can't do. Carol suggested that a program be conducted where we make hypotheticals from those questions and make a program surrounding those hypos. The second program will be on November 16th, Judy Bass and Joan Faier are spearheading it with Ed McCoy on estate planning.

5.13. ADR Committee Update

Kyle Beth-Hilfer shared that the ADR Committee has been ramping up. There was a recent section meeting and there was also a program in June on high-profile arbitration in the press. This program was well attended and there was a replay available.

Kyle-Beth also shared that she's planning three programs. There is a program on October 25th they are co-sponsoring with the Dispute Resolution Section's Technology Committee and five other section committees. The program will be on

technology and AI issues. Additionally, Kyle-Beth is planning a program on the ICDRS (International Centre for Dispute Resolution) joint program with the independent Film and Television Association. She is working on panelists, namely from the ICDRS, and is shooting for a November date for this program. The Digital Entertainment, Television, and Radio Committee and the Motion Pictures Committee have agreed to co-sponsor this event.

Next Kyle-Beth shared that there is another event that she is planning, that will be co-sponsored by the Sports Law Committee. This event would be about virtual arbitration in a sports context. It will be in relation to an organization called New Era ADR, who is now administering sports disputes for the United States Olympic Committee and had, for a long time been with the American Arbitration Association. She is presently targeting dates in late February 2024 and is working on securing speakers. She is also open to suggestions on how to market this event.

Bob Seigel shared in reference to broadening the scope of Dispute Resolution when it comes to speakers for programming, the Volunteer Lawyers for the Arts have an arbitration program that's really underutilized. Judy Bass also mentioned the organization called Mediate Art, the WGA arbitration body, and the Dramatists' Guild arbitration body.

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

Kristin Paradisis shared she's currently planning this semester's speed networking event. She is considering cutting the speed networking event to one hour and beginning the event with a panel discussion focused on addressing the common themes observed amongst the attending students' questions from the event last semester. The common themes were related to procuring internship fellowship and pro bono opportunities in entertainment, sports, and the arts. In choosing panelists she's looking to secure attorneys who have supervised law students in a professional context.

This speed networking event will also be a virtual event, which will allow the committee to cast a wide net for attendees. This event will likely be either Wednesday November 8th or Thursday November 9th, in the evening from 5pm to 7pm. Kristin has asked if anyone is planning an event for anyone of those dates to please let her know so that she can plan accordingly. Also, if anyone is interested in speaking on the panel or participating as a speed mentor during the breakout sessions, please let her know.

Separately, Kristin raised the suggestion of including law student pricing to our events. This was raised regarding increasing law student membership within the section as well as law students coming to her to ask what the law student pricing was for some of the EASL events that they were interested in. She also mentioned that this might be worth raising to NYSBA.

Ethan asked Sharmin for clarification on what the policy was on law students attending events. Sharmin clarified that students do get charged a small fee if food is provided at an event but if they would otherwise be receiving CLE credit, which they don't need, they wouldn't be charged. Kristin also mentioned that it would be a good idea to have the student pricing reflected on the registration page alongside all the other prices. Sharmin shared that until we can get that pricing reflected on the event pages, we can put that information in the event descriptions in the meantime.

Anne Atkinson and Ethan also took the time to acknowledge Kristin for her efforts in helping the planning committee for the event happening on November 2nd. Brava, Kristin!

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

Ethan shared that the scholarship is open and accepting applications. He shared that we've already sent out a letter to our contact list of individuals and professors that teach EASL related subjects including intellectual property, gaming and fashion.

If you EASL members have any connections to their school, family, a friend who teaches, somebody you know that's a professor--please share the materials with them! We want this information to reach as many students as possible.

5.16. AI committee – Task Force - Barry Werbin, Judy Bass

Barry Werbin shared that he and Judy Bass are interested in having a virtual meeting with all of the co-chairs of each committee in the section whose industry is impacted by AI so that they can plan one or more programs. They've decided to do this because AI is so far reaching and has many implications across industries. Judy Bass also shared that this meeting will also be good to discuss language we're all seeing come up in contracts regarding AI. We can also begin to collect this language as things are changing across industries.

Barry also shared that on the EASL website's list of committees, it is still incorrectly listed that there is a Current Legislation Committee and a Legislation Committee and the two had been combined into the Legislation Committee. He also noted that it was incorrectly listed that there is a Digital Entertainment Committee and a Separate Television Radio Committee which were also combined into the single Digital Entertainment, Television, Radio Committee. Sharmin noted that she did notice that this was the case after it had previously reflected those changes so, she said she would be following up on that.

5.17. Annual Meeting – Thursday January 18th, 2024 – at Dorsey

Ethan shared that the final agenda (including speaker lists and program descriptions) for the Annual Meeting is due November 3rd. He acknowledged that speakers may be added, and things might change but this tentative list of information

and summaries of each panel (8 – 12 sentences), needs to be submitted to NYSBA by November 3rd.

Jill Pilgrim noted that the name of her program was misspelled. She also asked for the official name of the firm and for its address. It is as follows: **Dorsey & Whitney, 51 W 52nd St, New York, NY 10019**. Ethan said we will make the appropriate updates.

6. Chair’s Remarks – NYSBA Event, Bylaws, EC Meeting/Holiday Party

Ethan shared that on October 16th and 17th there is an event called A Deep Dive Into the Metaverse. It is a NYSBA event, co-sponsored by EASL.

Ethan also shared that regarding the bylaws there were some issues with reimbursements, so he asked the Legislation Committee to consider adding to our bylaws that any expenses or agreement to take on expenses has to be approved in advance by the EASL Chair. Specifically, there was an issue with people agreeing to take on expenses for events and then later found out it was too much for some NYSBA events and “other things”. Ethan shared that he had preliminary language that he drafted that could be used. Marc Jacobson mentioned that it might be more appropriate for the subcommittee that was created to redraft the bylaws was more appropriate to address this change. Judy Bass asked if it was necessary to go through the entire process of amending the bylaws for this one thing and that it might make sense to put this language into the Engagement Guidelines. Barry Werbin mentioned that it might not need to go in the bylaws because it’s really a NYSBA policy and their policy is always fluctuating but, it also applies to every section across the board. Ethan agreed that putting the language in the Engagement Guidelines is an option.

Finally, Ethan wrapped up with mentioning again about the possibility of having an EC meeting/holiday party in December. He noted that Jill Pilgrim mentioned an office space that he will be looking into for hosting that event.

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

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

2023

November 1st - Virtual

December 6th – Suggestions for Holiday Meeting/Social Event

2024

Annual Meeting – Thursday January 18th, 2024 – at Dorsey

Respectfully submitted,
Isaro Carter, EASL Secretary