

19th Annual

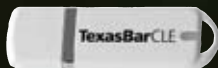
# Entertainment Law Institute



**LIVE** Austin October 1-2, 2009 Hyatt Regency Hotel

## Highlights

- Mobile Entertainment
- Recording Contracts in a 360-World
- 20 Questions for your New Band Client
- The Music Publishing Box and How to Think Outside It
- Recent Court Decisions, Recent Legislation and Related Issues
- Protecting the Artist in Record Company Bankruptcy Proceedings



Course materials available on a USB flash drive



TexasBarCLE presents the 19th Annual

# Entertainment Law Institute

Cosponsored by the Entertainment Law Section of the State Bar of Texas

**LIVE**

**Austin**

**October 1-2, 2009**

**Hyatt Regency Hotel**

## Thursday

7.5 hours including 1 hour ethics

- 7:45 **Registration and Continental Breakfast**
- 8:15 **Welcoming Remarks**  
**Course Director**  
Mike Tolleson, *Austin*  
Mike Tolleson & Associates
- 8:30 **Roundup of Recent Court Decisions** 1 hr  
Stan Soocher, *Denver, CO*  
Editor-in-Chief, *Entertainment Law & Finance* and Associate Professor, Music & Entertainment Industry Studies  
University of Colorado Denver
- 9:30 **Copyright 101** 1 hr  
Copyright basics, the mechanics of registration using the new on-line systems, when copyright protection attaches, term of copyright, the need for registration before litigation and how registration impacts the ability to collect both statutory damages and attorney fees.  
  
Amy E. Mitchell, *Austin*  
Attorney and Mediator at Law  
  
Steve Winogradsky, *Studio City, CA*  
Partner, Winogradsky/Sobel

- 10:30 **Break**
- 10:45 **The Texas Music Industry Today** .5 hr  
Casey Monahan, *Austin*  
Director, Texas Music Office
- 11:15 **Texas Film Industry Update** .5 hr  
Bob Hudgins, *Austin*  
Director, Texas Film Commission
- 11:45 **Break – Lunch Provided**
- 12:05 **Texas Star Award Presentation Posthumously Honoring Shannon Jones, Jr. (1927-2009)**  
Founding Partner, Passman & Jones, *Dallas*  
  
Jerry C. Alexander, *Dallas*  
Receiving the Award for Passman & Jones
- 12:15 **Right of Publicity in Texas and Beyond** .5 hr  
Maria Elena Holly, *Dallas*  
Estate of Buddy Holly  
  
Jonathan Faber, *Indianapolis, IN*  
Attorney/Luminary Group LLC
- 12:45 **Break**
- 1:00 **Malpractice and Ethics Update** 1 hr ethics  
Coyt Randal 'Randy' Johnston, *Dallas*  
Johnston•Tobey
- 2:00 **"I Won't Back Down"- Protecting the Artist in Record Company Bankruptcy Proceedings** 1 hr  
What to do when your artist client's record label or label client's distributor files for bankruptcy.  
  
J. Craig Barker, *Austin*  
Law Office of Craig Barker  
  
James V. Hoeffner, *Austin*  
Graves Dougherty Hearon & Moody
- 3:00 **Break**

- 3:15 **Review of Recent Legislation and Related Issues** 1 hr  
Moderator  
Stan Soocher, *Denver, CO*  
Editor-in-Chief, *Entertainment Law & Finance* and Associate Professor, Music & Entertainment Industry Studies  
University of Colorado Denver  
  
Jay Rosenthal, *Washington, DC*  
Senior Vice-President & General Counsel  
National Music Publishers' Association  
  
John L. Simson, *Washington, DC*  
Executive Director, SoundExchange
- 4:15 **The Music Publishing Box and How to Think Outside It** 1 hr  
The music publishing industry is undergoing a transformation, trying to squeeze new revenue sources into the existing business models. A discussion of traditional income sources and the new music publishing economy.  
  
Ron Sobel, *Studio City, CA*  
Partner, Winogradsky/Sobel  
President, North Star Media  
  
Steve Winogradsky, *Studio City, CA*  
Partner, Winogradsky/Sobel
- 5:15 **Adjourn**

## Friday

6 hours including .5 hour ethics

- 8:00 **Continental Breakfast**
- 8:20 **Announcements**
- 8:30 **20 Questions for your New Band Client** 1 hr (.25 ethics)  
The importance of band agreements and the issues they should address.  
  
Moderator  
Amy E. Mitchell, *Austin*  
Attorney & Mediator at Law  
  
Layne Lauritzen, *Austin*  
Layne Lauritzen, CPA, PC

### MCLE CREDIT

**13.5 HOURS (1.5 ETHICS)**  
**MCLE COURSE NO: 901180663**  
Applies to the College of the State Bar of Texas.

### CPE CREDIT

TexasBarCLE is registered with the Texas Board of Public Accountancy to offer courses. The State Bar's continuing education sponsor I.D. number is 135. Since CPE credit is calculated on a 50-minute hour, this course totals 16.25 hours.

- Lisa Whynot, *Toronto, Canada and Los Angeles, CA*  
Attorney & Counselor at Law
- 9:30 **Recording Contracts in a 360 World** 1 hr  
A mock negotiation of a 360-style recording agreement.
- Dina LaPolt, *W. Hollywood, CA*  
LaPolt Law
- Doug Mark, *Los Angeles, CA*  
Mark Music & Media Law
- 10:30 **Break**
- 10:45 **Looking Behind the Curtains in an Entertainment Industry Dispute: A View from the Mediator's Chair** 1 hr (.25 ethics)  
An examination of the dynamics that occur in resolving entertainment related disputes by lawyers who are in the trenches.
- Moderator  
D'Lesli M. Davis, *Dallas*  
Fulbright & Jaworski
- Greg Bougeois, *Austin*  
Lakeside Mediation Center
- Eric Galton, *Austin*  
Lakeside Mediation Center
- Jeff Krivis, *Encino, CA*  
First Mediation Corporation
- 11:45 **Lunch on Your Own**

- 1:00 **Digital Distribution of Audio-Visual Content** 1 hr  
Content providers, aggregators, distributors, and exhibitors, all play a role in the path content takes from the creator to the end user. Also discussed will be common licensing issues affecting the process.
- Moderator  
Jed Lackman, *Universal City, CA*  
Vice President, Business & Legal Affairs  
Universal Studios Home Entertainment
- Matt Dentler, *New York, NY*  
Cinetic Media, Inc.
- Speaker to be Announced
- 2:00 **Break**
- 2:15 **Mobile Entertainment** 1 hr  
Mobile media technology is a constantly changing landscape. Representatives from various segments of the industry—content providers, distributors, and attorneys discuss key tech concepts, how new media issues inform all aspects of entertainment practice, and emerging trends.
- Moderator  
Steve Masur, *New York, NY*  
Attorney

- Dave Dederer, *Seattle, WA*  
Vice President, Business Development  
Melodeo, Inc.
- Speaker to be Announced
- 3:15 **Entertainment Property Financing** 1 hr  
Angels, venture capitalists, and private investors are out there. Discover what the deals look like and how to avoid tripping over securities regulations.
- Moderator  
Deena Kalai, *Austin*  
Deena Kalai, PLLC
- Nicholas J. Fox, *Austin*  
Vinson & Elkins
- Sally Helppie, *Dallas*  
Tipton Jones Law  
Sabbatical Pictures
- 4:15 **Adjourn**

For their generous support of this program, TexasBarCLE and the Entertainment and Sports Law Section of the State Bar of Texas would like to recognize and thank:



## 2009 TEXAS STAR AWARD RECIPIENT

Shannon Jones, Jr.  
April 27, 1927 – February 12, 2009



Alexander, George, Thuss & Passman and on January 1, 1952, founded Passman & Jones with Sam Passman.

Shannon grew up in Kaufman Texas, where he first heard and learned to love and then play and sing Country and Western music. Upon his honorable discharge from the service in World War II, Shannon returned to Texas, obtaining an undergraduate degree from Texas A&M University and law degree from Southern Methodist University. In 1950, he began practicing law in Dallas with the law firm of

Shannon's law career spanned over fifty years in the practice of civil law and in his later years was concentrated primarily in the fields of wills and estates and entertainment. He played a vital role in counseling many business leaders as well as musicians, including "ghostwriting" for many artists primarily in the Country and Western field, such as Bob Wills and other successful songwriters. Shannon was also a champion of artist's copyrights and fair compensation for their works. He was a pioneer in the industry who drafted the Texas right of publicity law and along with Maria Elena Holly lobbied for and secured its passage which now protects the name and likeness of artists like Buddy Holly for fifty years after their death. Shannon also founded the first Entertainment Law and Study Group at the Dallas Bar Association.

### Ways to Save on This Course!

#### Register by September 17 and Save \$50

because early registrations help us ensure that sufficient course books, seating, and refreshments are available. No confirmation will be sent. Course materials and seating will be reserved for pre-registrants until the start of the first topic.

#### Entertainment and Sports Law Section Members Can Save \$75

by registering by September 17, 2009 (thereafter, save \$25); see the registration form. Not a member? To join, contact the State Bar's Sections Coordinator, Kathy Casarez, at 800-204-2222, x1420. Please do not send Section membership payment with your registration fee.

#### Earn Discounts by Registering Five or More

from your firm or agency. Contact Firm and Group Sales Representative Laura Angle of TexasBarSolutions at 512-250-5575 or [langle@texasbar.com](mailto:langle@texasbar.com).

**State Bar Policy Manual §7.03.06 Allows Some Judges to Attend Free** provided (1) the course is directly related to their tribunal's jurisdiction, (2) they are full-time judges or judges retired under the Texas Judicial Retirement System and (3) space is available for all paying registrants. This privilege does not extend to receivers, trustees, court staff, or persons serving part-time in any judicial capacity. NOTE: Judges must actually attend to receive course materials.

#### Parking Information

is subject to change without notice and is not a guarantee of available space. See "Parking" to the right for details.

#### If You Need Special Accommodations to Attend,

please contact us as soon as possible at 800-204-2222, x1797.

#### Registered But Can't Attend? Still Earn Participatory Credit.

After the course you'll automatically be sent the written materials and may view the course online later; see "FREE TO OUR REGISTRANTS!" below. However, if you wish a refund instead, mail or fax (512-427-4111) your request so that we receive it at least one business day before the program.

#### FREE TO OUR REGISTRANTS!

**Online Videos of the Presentations and PDFs of the Course Materials** will be available to registrants 6-8 weeks after the course. Provide us your email address when registering and we'll alert you when these benefits are available and how to access them. (Note: Presentation lengths may vary from that which was advertised.) There's no extra charge; as a registrant, you're already entitled!

#### Policy of Impartiality

The State Bar of Texas does not endorse political candidates. When a candidate for public office is included in promotion for or participates in a TexasBarCLE event, the State Bar is not taking a position for or against anyone's candidacy.

## Reserve Your Hotel Room Now!

A block of rooms at a special rate is available on a first-come, first-served basis.\* Inform the Hyatt that you will be attending this State Bar of Texas Course.

#### AUSTIN Live

#### Hyatt Regency Austin

208 Barton Springs Road

(512) 477-1234

\$185 for a single/double

#### Deadline:

August 31, 2009



\* Because the Austin City Limits Music Festival begins on October 2, this special room block could fill well before the August 31 deadline. Don't delay, reserve your room now!

#### Hotel Parking

- Valet parking: \$18/day (unlimited access)
- Self-parking: per hour basis up to \$12/day

#### Transportation

- Taxi: About \$20-\$27 one-way.
- Airport Super Shuttle (512) 258-3826: \$12 one-way. From the airport to the hotel, no reservations are needed. From the hotel to the airport, you must arrange for pickup in advance via the concierge at the hotel. Transportation is available 24 hours/day.

#### Directions to the Hyatt from Austin Bergstrom International Airport

Exit airport on Presidential Blvd. Turn left on to TX-71. Turn right on to E. Riverside Dr. Turn right on to Barton Springs Rd. Hotel is on the left.

Our thanks to our sponsor  
State Bar of Texas Insurance Trust



#### Course Director

Mike Tolleson.....Austin

#### Planning Committee

J. Craig Barker .....Austin  
Tamera H. Bennett ..... Lewisville  
D'Lesli M. Davis ..... Dallas  
Edward Z. Fair.....Austin  
Deena B. Kalai .....Austin  
Amy E. Mitchell.....Austin  
Stan Soocher ..... Denver, CO  
Alan W. Tompkins ..... Dallas  
Donald J. Valdez .....Fort Worth  
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#### TexasBarCLE Planning Team

Kandi Botello ..... Program Coordinator  
Montgomery Miller..... Sr. Program Attorney

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five or more?

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laura.angle@texasbar.com  
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Save up to **\$75!**

Entertainment Law Institute 2009

8095

**1** Entertainment Law Institute

- Austin LIVE, October 1-2** ..... \$445  
**Take \$50 off:** Register by **September 17**

Registration fee includes breakfast both days and a special luncheon presentation on Thursday.

**2** I want the format of my course materials to be:

- Electronic (PDFs on a USB drive)
- Hardcopy (1 notebook)
- BOTH so I'll **add \$80**

**3** I am entitled to 1 or 2 discounts:

- \$50 OFF** because I'm registering by September 17, 2009. (If by mail, date of postmark will be determinative.)
- \$25 OFF** because I'm a current member of: Entertainment & Sports Law Section, State Bar College, or the State Bar Legal Administrators or Legal Assistants Division -OR- I'm licensed 2 years or less.

**\$ \_\_\_\_\_ is my total for the course and materials.**

- As a judge, I AFFIRM I qualify under §7.03.06 (State Bar Policy Manual) for complimentary admission (see pg 4.)**

**4** I can't attend. Just send course materials.\*

- Course Book ..... \$155 each†
- Course materials on USB drive... \$155 each†
- Set of MP3 speeches on CD .... \$150 set†
- Set of course audio CDs ..... \$230 set†

**FREE Shipping & Handling**

**5** I am paying by:

- Check (enclosed) payable to the State Bar of Texas for \$ \_\_\_\_\_
- Visa       MasterCard       AMEX       Discover

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*\*PDFs of course materials will be available for purchase 6-8 weeks after the course in the Online Library at TexasBarCLE.com. Registrants receive access to the PDFs at no additional charge (see "Free to Our Registrants" on p. 4).*

*†Plus 8.25% tax on total. Please include tax or attach exemption certificate. Orders for books, USBs, and audio CDs are filled 4-6 weeks after the live event and shipped separately. A bill will be sent unless a credit card charge is authorized on this form.*

**QUESTIONS?**

- 800-204-2222 x1574
- 512-427-1463 x1574

State Bar of Texas  
P. O. Box 12487  
Austin, TX 78711-2487

**19th Annual Entertainment Law Institute**

LIVE October 1-2, 2009 Austin

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For their generous support of this program, TexasBarCLE and the Entertainment and Sports Law Section of the State Bar of Texas would like to recognize and thank:



## Join the Entertainment and Sports Law Section

**F**ormed in 1989, the Entertainment and Sports Law Section has over 500 members. The Section is directed at lawyers who devote a portion of their practice to entertainment and/or sports law and seeks to educate its members on recent developments in entertainment and sports law. Membership in the Section is also available to non-lawyers who have an interest in these areas.

The Entertainment & Sports Law Journal, published twice a year by the Section, contains articles and information of professional and academic interest relating to entertainment, sports, intellectual property, art, and related areas. The Section also cosponsors seminars of interest to its members, such as this annual Entertainment Law Institute.

Membership in the Section is from June 1 to May 31. To join, go to [TexasBar.com](http://TexasBar.com) and login to MyBarPage. There you will see "My Sections" and a chance to click on "Purchase Sections." Check "Entertainment & Sports Law" and pay the \$30 annual fee with a credit card. Or complete the information below and forward it with a check in the amount of \$30.00 (made payable to ENTERTAINMENT & SPORTS LAW SECTION) to Michele Schweitzer, P.O. Box 12487, Capitol Station, Austin, TX 78711.



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**16th Annual Austin Film Festival and Conference** (October 22-29).  
Check out [AustinFilmFestival.com](http://AustinFilmFestival.com) or call 1-800-310-FEST for more information.