

27th Annual

Entertainment Law Institute



#1 Record
by
Philip Durst

LIVE Austin • November 16-17, 2017 • Hyatt Regency Austin

Join us a day early for the **NEW Entertainment Law 101 Course!**
(separate registration required)



MCLE CREDIT
13.25 Hours (1.75 Ethics)

DOWNLOADABLE
Course Materials ↓

TexasBarCLE.com
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*Education by the Bar,
for the Bar*

Entertainment Law Institute

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

Register early and **save up to \$100!**

Lawyers licensed 5 years or less take **HALF OFF!**

(See page 4 for details.)

LIVE Austin

November 16-17, 2017

Hyatt Regency Austin Hotel

Register by **November 2** to save!

Thank You to Our
Course Sponsor



2017 Texas Star Award Recipient



Nancy E. Wolff

Nancy E. Wolff is a member of the intellectual property, media, and entertainment law firm of Cowan, DeBaets, Abrahams & Sheppard, LLP located in New York, New York and Beverly Hills, California.

She represents a wide range of creative individuals and companies in all areas of digital media, licensing, and publishing, and serves as counsel to the Digital Media Licensing Organization. Ms. Wolff is a frequent speaker on copyright, digital media, and licensing for many organizations. She is the President of the Copyright Society of the USA, and serves on the ABA Copyright Reform Task Force.

Ms. Wolff was selected for inclusion in Chambers USA (2017), IP: Trademark & Copyright – New York. She has also been named to the Super Lawyers Intellectual Property (New York Metro), Top 50 Female Lawyers (New York Metro) and Top 100 Lawyers (New York Metro) lists.

MCLE CREDIT

13.25 Hours (1.75 Ethics)

MCLE Course No: 928009129

Applies to the Texas Bar College and to the Texas Board of Legal Specialization in Civil Appellate Law and Civil Trial Law.

Thursday

7.25 hours including 1.25 ethics

8:00 **Registration**

Coffee and Pastries Provided

8:40 **Welcoming Remarks**

Course Director

Mike Tolleson, *Austin*

Mike Tolleson & Associates

8:45 **Legal Issues Involved in Organizing, Promoting, and Producing Music Festivals 1 hr**

This panel will address key legal issues involved in the organization, promotion, and production of music festivals including artist and vendor agreements, permits and licensing, as well as insurance and liability matters. The discussion will also touch upon safety, security, and bankruptcy issues.

Moderator

Edward Z. Fair, *Austin*

Law Offices of Edward Z. Fair

Panel

Heather R. Liberman, *Austin*

General Counsel - Head of Legal
SXSW

Peter Sim, *Austin*

Associate In-House Counsel

C3 Presents

Joseph A. Stallone, *Austin*

Oaks, Hartline & Daly

9:45 **Annual Roundup of Notable Entertainment Industry Court Rulings 1 hr (.25 ethics)**

Stan Soocher, Esq., *Denver, CO*

Editor-in-Chief, "Entertainment Law & Finance" and Associate Professor,
Music & Entertainment Industry Studies
University of Colorado Denver

10:45 **Break**

11:00 **The Addicted Lawyer 1 hr ethics**

Brian Cuban, *Dallas*

Law Office of Brian Cuban

12:00 **Break - Lunch Provided**

12:20 **Texas Star Award Presentation**

12:30 **Luncheon Presentation: Making Copyright Work for Photographers: Thoughts on Current Copyright Reform .5 hr**

Nancy E. Wolff, *New York, NY*
Cowan, DeBaets, Abrahams &
Sheppard

1:00 **Break**

1:15 **Evaluating Distribution Options for Filmmakers 1 hr**

A good distribution deal makes all the difference in a production's potential success. Working with a sales agent, effectively evaluating distributors and their offers, and negotiating some key contract provisions can help.

Deena Kalai, *Austin*

Deena Kalai, PLLC

Bill Straus, *Brooklyn, NY*

Sales Agent & Producer
Bridge Independent

2:15 **Best Practices in Image Licensing 1 hr**

A review of legal aspects and risks involved in acquiring and publishing visual images, including use of releases in connection with images depicting people or identifiable properties, and issues regarding trademarks, copyright, fair use, and privacy law. Licensing models and agreements will be discussed.

Nancy E. Wolff, *New York, NY*

Cowan, DeBaets, Abrahams &
Sheppard

3:15 **Networking Break - Snacks sponsored by**



3:45 **Registering Your Copyrights: Answers to Your Burning Questions .75 hr**

Learn which copyrights you own, with whom you might share them, and what that means for your rights. Discover the benefits you receive from registering your copyrights, and learn how to do so correctly.

Gretchen McCord, *Rockdale*

Law Offices of Gretchen McCord

4:30 **The Book Publishing Contract: Getting the Rights Right for What You Write** 1 hr

A book publishing contract can be a minefield for the unwary or the uninitiated in the world of book publishing. Know what rights are negotiable, what rights are not, and how best to exploit the rights you retain for the writer.

Michael D. Farris, *Sunnyvale*

5:30 **Adjourn**

Friday

6 hours including .5 ethics

8:00 **Coffee and Pastries Provided**

8:25 **Announcements**

8:30 **Lights, Cameras, Hashtags: Cutting Edge Social Media Issues for Today's Entertainment Lawyer** 1 hr (.5 ethics)

A discussion regarding ownership of social media pages, the evolution of social media provisions within entertainment industry contracts, and the profoundly muddy issue of a lawyer's ethical role when it comes to monitoring their client's social media accounts.

John G. Browning, *Dallas*
Passman & Jones

Gwendolyn Seale, *Austin*
Mike Tolleson & Associates

9:30 **Drafting Elegant Contracts** 1 hr
Legal drafting is as much a thought process as a writing process; clear thinking leads to clear drafting. The speaker will present a guide for clear, structured thinking about drafting in order to provide the audience with a structured process to follow when assembling useful legal documents.

George W. Kuney, *Knoxville, TN*
Lindsay Young Distinguished Professor of Law; Director, James L. Clayton Center for Entrepreneurial Law; and Director of the LL.M. Program in U.S. Business Law
University of Tennessee College of Law

10:30 **Break**

10:45 **Navigating a Copyright Termination and Recapture Claim: Tips and Tactics** 1 hr

The fast-growing field of copyright termination and recapture practice is full of traps for the unwary and unprepared. A practical guide to the successful preparation and prosecution of termination claims under 17 U.S.C. Sections 203 and 304, from initial client screening to settlement strategy.

Marc H. Greenberg, *Pacific, CA*
Law Offices of Marc H. Greenberg

11:45 **Lunch on Your Own**

1:00 **The DMCA Safe Harbor in Practice: Policies and Procedures of the Major Digital Platforms** 1 hr
An update on the notice and takedown

practices currently in effect at large Digital Service Providers (DSPs) such as YouTube.

Chris Harrison, *Washington, D.C.*
CEO, DIMA

2:00 **Paradigm Shift in Music Publishing** 1 hr

The speakers will discuss changes to music publishing revenues and operations, past and present, and how music publishers and performing rights organizations are generally responding to digital delivery.

Leeds Levy, *New York, NY*
President, Leeds Music

Dennis Lord, *Nashville, TN*
Executive Vice President of Creative & Business Affairs, SESAC

3:00 **How to Make On-Demand Streaming Royalties Fair(er)** 1 hr

Streaming royalties from subscription services like Spotify, AppleMusic, and others are distributed using the "Big Pool" (pro-rata) distribution method. There are questions as to whether this method of royalty distribution is fair or even in the best interests of the music industry (artists, labels, and services). A new and possibly better approach is the "Subscriber Share" model which will be discussed.

Dick Huey, *Warwick, NY*
Founder, Toolshed Inc.

Sharky Laguana, *San Francisco, CA*
Founder & CEO, Bandago

4:00 **Adjourn**

Join us a day early for this new course!

Entertainment Law 101: Building Blocks for Representing Creative Types

LIVE Austin

November 15, 2017

Hyatt Regency Austin Hotel

Please join us for our inaugural 3-hour "bootcamp" featuring an overview of introductory legal issues for clients in music, film, and other creative industries. Participants should leave with a greater awareness of the various players in the entertainment industry today, improved entertainment terminology, and a basic understanding of the intellectual property assets and rights issues facing creative professionals.

There will also be an informal "no host" happy hour immediately following the CLE program.

Wednesday

3 hours

2:00 **Registration**

2:25 **Welcoming Remarks**

Amy E. Mitchell, *Austin*
Amy E. Mitchell, PLLC

2:30 **Alphabet Soup: An Overview of Key Entertainment Industry Players and Contract Terminology** 1 hr

Amy E. Mitchell, *Austin*
Amy E. Mitchell, PLLC

3:30 **Break**

3:35 **Intellectual Property Basics for Creatives** 1 hr

Adam D. Mandell, *Austin*
Millen, White, Zelano & Branigan, PC

4:35 **Break**

4:40 **Option Agreements (Film, TV, Multimedia)** 1 hr

Deena Kalai, *Austin*
Deena Kalai, PLLC

5:40 **Adjourn to Networking Happy Hour** (unhosted event)

MCLE CREDIT

3 Hours

MCLE Course No: 928011660

Applies to the Texas Bar College. Texas Board of Legal Specialization credit in Civil Appellate Law and Civil Trial Law pending.

Ways to Save on This Course!

Meet the November 2 Deadline and Save \$50

because early registrations help us ensure that sufficient course books, seating, and refreshments are available. Course materials and seating will be reserved for preregistrants until the start of the first topic.

GO GREEN and Save \$25

Select the PDF download ONLY for a discount.

Entertainment and Sports Law Section Members Can Save \$25

Not a member? To join, visit your My Bar Page and join online, or download a membership form from TexasBar.com/sections to pay by mail. Please do not send section membership payment with your registration fee.

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HALF OFF for Attorneys Licensed in Texas 5 Years or Less!

You read that right! See the registration form.

Scholarship Information

TexasBarCLE offers scholarships to attend a live course, video replays, online classes, and webcast. To apply or learn more, call 800-204-2222, x1490, Mon-Fri 8am-5pm CT. Please apply at least two weeks prior to any live/video replay course or at least one week prior to any webcast or online class.

Active Texas State, County, and Federal Judges, Administrative Law Judges, Hearing Examiners, and Judge's Staff Attorneys may attend for free, provided:

- (1) the course directly relates to the judge's/tribunal's jurisdiction,
- (2) the judge is a full-time judge or retired under a judicial retirement system and
- (3) space is available for all paying registrants. This privilege does not extend to prosecutors, receivers, trustees, other court staff, or persons serving part-time in a judicial capacity. Actual attendance is required to receive course materials.

Parking Information

is subject to change and does not guarantee available space. Self-parking at the Hyatt is available for a discounted rate of \$18 per day. Valet parking is also available for a fee; please confirm rates upon arrival.

If You Need Special Accommodations to Attend or Have a Food Allergy,

please contact us as soon as possible at 800-204-2222, x1751.

Registered But Can't Attend? Still Earn MCLE Credit

and receive course materials by taking the course online later, in which case you'll automatically be sent the course materials. If you wish a refund instead, mail or fax (512-427-4443) your request so that we receive it at least one business day before the program.

FREE TO OUR REGISTRANTS! Online Videos and Mp3s of the Topics

will be available to registrants 6-8 weeks after the course. Provide your e-mail address when preregistering to be notified when and how these benefits may be accessed. (Note: Presentation lengths may vary from that which was advertised.) There's no extra charge; as a registrant, you're already entitled!

Interested in Sponsoring or Exhibiting at This Course or Others?

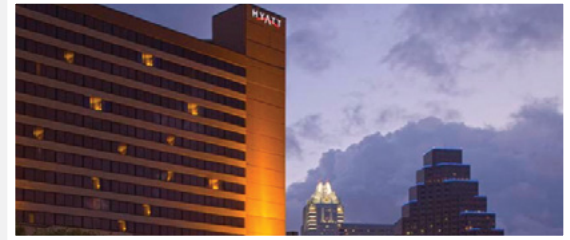
Contact Julie Marshall at 512-427-1797 or julie.marshall@texasbar.com.

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 Early

Hotel rooms have been blocked at special rates on a space available basis. To make a reservation, contact the hotel and indicate that you will be attending this State Bar of Texas course.



LIVE Austin

Hyatt Regency Hotel
208 Barton Springs Road
Austin, TX 78704
(512) 477-1234
\$209 single/double

Deadline: October 25

Or, make your reservation online:

www.TexasBarCLE.com?a=Entertainment17

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Amy E. Mitchell Austin
Emilio Nicolas Austin
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laura.angle@texasbar.com
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Lawyers licensed 5 years or less
take **HALF OFF!**

Entertainment Law Institute & Entertainment Law 101

- 1 Entertainment Law Institute** [8095]
LIVE Austin November 16-17, 2017
- Regular Registrant..... \$545
Take \$50 OFF: Register by November 2
- Licensed 5 years or less, **HALF OFF**..... \$272.50*
- Your registration includes:
- Coffee and pastries each morning
 - Lunch on Thursday with the Texas Star Award Presentation
 - Complimentary wireless internet in the meeting room

- Entertainment Law 101** [8096]
LIVE Austin November 15, 2017
- Regular Registrant..... \$175*
 Licensed 5 years or less, **\$50 OFF**..... \$125*
- I may attend complimentary because I am (see p. 4):
- Qualifying judge Judge's staff attorney

*No discounts in section 3 may be taken.

- 2** I want my **Institute Course** materials format to be:
- Hard copy book as well as a PDF download of same
(both formats included in registration fee)
- PDF download ONLY so I'll **take \$25 OFF**
- 101 Course** materials will be provided as a PDF download only. You must be a registered user of TexasBarCLE.com to access the download. Becoming a registered user is free, open to the public, and only takes a moment! **Note:** Please download the materials **before** you arrive at the course since internet access may be limited.

- 3** I am entitled to 1 or 2 discounts on the Institute Course:
- \$50 OFF** because I am registering by the November 2 deadline.
(If by mail, date of postmark will be determinative.)
- \$25 OFF** because (choose 1 box only) I'm a member of the:
- Entertainment and Sports Law Section
 Texas Bar College
 Paralegal Division
- For more information on joining the section, see page 4.

- 4** I can't attend, but would like the materials.
- FREE** Shipping & Handling
- Advanced Course hard copy book \$155[†]
 101 Course PDF download \$45[†]
- To order a discounted PDF download of course materials, search Publications at TexasBarCLE.com (available 1-2 weeks after the course).

- 5 My total is \$_____ . I am paying by:**
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A confirmation of your registration will be sent to the e-mail address you provide.

[†]Plus 8.25% sales tax on total course book sales only. Please include sales tax or attach an exemption certificate. Book orders are shipped separately 1-2 weeks after the live program. Please include payment by check or supply credit card information on this form.

MP3 files of topics will be downloadable from TexasBarCLE.com 6-8 weeks after the course. For information on other course products, contact our Flash CLE service at 800-204-2222, x1575.

QUESTIONS?
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Join

 **TESLAW** THE STATE BAR OF TEXAS
ENTERTAINMENT & SPORTS LAW SECTION

Formed in 1989, the Entertainment and Sports Law Section consists of more than 600 licensed attorneys throughout the state who practice entertainment and sports law. Section members represent a wide variety of clients including artists, filmmakers, athletes, media companies, employers, employees, and entertainment and sports organizations, in both the private and public sectors. The purpose of the Entertainment and Sports Law Section is to promote and enhance the practice of law by all lawyers who concentrate or have an interest in entertainment and sports law.

Join today and get involved in the Section's activities. Some of the areas in which you can serve are legislative (state and federal), merchandising, website, social networking, event planning, marketing and more.

Section membership is from June 1 to May 31. To join, visit your My Bar Page and join online, or download a membership form from TexasBar.com/sections to pay by mail. You may also complete the information below and forward it with a check in the amount of \$30 to State Bar of Texas, ATTN: Membership Dept., P.O. Box 12487, Austin, Texas 78711-2487. (Dues waived for Law Students and New Lawyers licensed 2 years or less.)

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For more information visit www.TESLAW.org



#1 record is 24x24 and is made out of old law books, Starbucks cups, origami paper, candy packaging, and construction paper.

Philip Durst

Philip Durst is a collagist drawn to pattern and repetition who likes to work with materials that have been cast-off or designed for other purposes. He works with paint chips, old books, candy boxes, and other ephemeral packaging to make small pieces that, when added to many others, can create a landscape or effect greater than its components. He also practices employment and civil rights law with a firm in Austin, Texas, and is an adjunct professor at the University of Texas Law School. His work can be seen currently at the Davis Gallery, Austin, Texas and www.PhilipDurst.com.