

state bar of texas

Texas Bar CLE

continuing legal education

11th Annual Entertainment Law Institute

**LEGAL ASPECTS
OF THE
FILM AND TELEVISION
INDUSTRY**

**October 12th & 13th, 2001
Austin, Texas
Omni Hotel**

Conference Held in Conjunction with

THE AUSTIN FILM FESTIVAL

AHFF, Inc.

(details on back cover)

Sponsoring Contributions from

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Texas Bar CLE presents the 11th Annual

Entertainment Law Institute Legal Aspects of the Film and Television Industry

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

AUSTIN

October 12-13, 2001

Omni Austin Hotel

MCLE CREDIT

10.25 HOURS (1.5 ETHICS)

MCLE COURSE NO: 000021685

Applies to the College of the
State Bar of Texas.

CPE Credit

The State Bar of Texas Professional Development 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 is 12.30 hours.

Friday 6.75 hrs. (1 hr. ethics)

8:00 Registration

8:30 Welcoming Remarks and
Program Introductions
Mike Tolleson, *Austin*
Course Director
Mike Tolleson & Associates

8:45 Acquiring and Protecting Literary Property

1 hr (.25 hr ethics)

A discussion of copyright protection, literary options and purchase agreements, WGA issues, profit participations, life story rights and book acquisitions.

Moderator

William Nix, *New York, NY*
Baker Botts L.L.P.

David G. Wille, *Dallas*
Baker Botts L.L.P.

9:45 Film Financing Through Private Investment

.75 hr

A review of various methods of private film finance, appropriate use of corporations, LLC's and limited partnerships,

developing the business plan and private offering documents.

Michael Norman Saleman, *Austin*
Law Offices of Michael Norman Saleman

10:30 Break

10:45 Film Production Agreements

Overview 1.5 hrs (.5 hr ethics)

A presentation of various agreements encountered in the course of producing a motion picture including agreements with producers, directors and actors.

Tom Hunter, *Beverly Hills, CA*
Law Office of Thomas F. Hunter

Jeff Korchek, *Beverly Hills, CA*
Broder, Kurland, Webb, Uffner

12:15 Lunch (on your own)

1:30 Music for Film and Television

1.5 hrs

The panelists will discuss composer deals, music licensing and soundtrack albums from both sides of the table. Discussions and syllabus materials will focus on:

- a producer's negotiations with a composer
- dealing with music publishing and record companies for licensing
- the role of the music supervisor
- how and why soundtrack album deals can be mutually beneficial to all parties

Moderator

Steve Winogradsky, *North Hollywood, CA*
President
The Winogradsky Company

Christopher Brooks, *Sherman Oaks, CA*
Crossfade Music, Inc.

Cindi C. Lazzari, *Austin*
Phillips & Prikryl, L.L.P.

3:00 Break

3:15 Post Production and Film

Distribution 1.5 hrs (.25 hr ethics)

A discussion of "deliverables" required by film distributors and related issues such as pre-selling distribution rights, bank loans, completion bonds, negative pickup deals, E&O insurance and producer reps to be followed by a review of various distribution channels and their deal structures including tactics and strategy in negotiating distribution agreements, typical terms and pitfalls to avoid. Also, how to protect filmmakers by adding

performance incentives, default penalties and arbitration clauses.

Harris Tulchin, *Los Angeles, CA*
Harris Tulchin & Associates
Mark Litwak, *Beverly Hills, CA*
Mark Litwak & Associates

4:45 Q & A with Panelists .5 hr

5:15 Adjourn

Saturday 3.5 hrs. (.5 hr ethics)

8:30 Film Production/Distribution

Case Study 1 hr (.25 hr ethics)

Well known Attorney/Executive Producer, John Sloss, and friends talk about their experience with financing, producing, and securing distribution for their films.

John Sloss, *New York, N.Y.*
Cinetic Media

9:30 Negotiating Television Deals

1.5 hrs (.25 hr ethics)

General overview of issues and practical problems arising in the negotiation and documentation of a variety of television deals including the sale or acquisition of literary properties or other source materials as the basis for television productions, writer/show runner deals, consultant deals, acting deals and program licensing agreements.

Roger L. Armstrong, *Los Angeles, CA*
Manatt, Phelps & Phillips, L.L.P.

11:00 Break

11:15 The Representation of International Athletes and Celebrities:

Lance Armstrong – A Case Study 1 hr

Lance Armstrong's manager/agent discuss the role of the attorney, manager, agent in representing a sports figure as he becomes an international celebrity crossing over into all media.

Bill Stapleton, *Austin*
General Partner, Capital Sports Ventures, Inc.
Longtime Agent & Attorney for Lance Armstrong

12:15 Adjourn

FACULTY

Mike Tolleson, Program Chair, has a long-standing practice in the music, motion picture, television and multi-media industries. He represents individuals and companies in connection with their entertainment industry business affairs. He is a former chairman of the Entertainment and Sports Law Section of the Texas Bar and the founder of the Entertainment Law Institute. He is currently a member of the Texas NARAS Chapter Board of Governors.

Roger L. Armstrong, is a partner in the Los Angeles firm of Manatt, Phelps & Phillips, L.L.P. and practices transactional law with an emphasis on the motion picture and television industries. He represents a variety of motion picture and television performers, screenwriters, directors, producers and production companies. Prior to becoming an attorney, Mr. Armstrong served as Vice President of National Publicity for Universal Pictures and in the same capacity for TriStar Pictures.

Christopher Brooks, has credits such as music producer, music supervisor, and supervising music editor on many major motion pictures and television programs including *The X-Men*, *Cecil B. Demented*, *Temptation*, *The Iron Giant*, *Why Do Fools Fall in Love?*, *101 Dalmatians*, *Jack*, *Mr. Holland's Opus*, *No Easy Way*, *Bordello of Blood*, *Demon Knight*, *Inventing the Abbotts*, *Pleasantville*, *Heat*, *Don Juan DeMarco*, *Die Hard I, II and III*, *Circle of Friends*, *Batman Forever*, *Maverick*, *Love Affair*, *Interview with the Vampire*, *Wilder Napalm*, *Three Musketeers*, *Splitting Heirs*, *Last Action Hero*, *Demolition Man*, *Shining Through*, *Lethal Weapon I, II and III*, *Blue Ice*, *Alien 3*, *Robin Hood: Prince of Thieves*, *Nothing But Trouble*, *Last Boy Scout*, *Hudson Hawk*, *Tune in Tomorrow...*, *Handmaid's Tale*, *Goodfellas*, *Second Sight*, *Raggedy Rawney*, *Adventures of Baron Munchausen*, *Action Jackson* and *A New Life*.

Tom Hunter, has been practicing as an entertainment and intellectual property attorney in Los Angeles and Beverly Hills, California since 1982 and is a former partner in Bloom, Hergott, Diemer and Cook, LLP where he remains of counsel. He specializes in the representation of writers, directors, producers and actors in motion pictures and television. Tom's clients have included George Lucas, Terry Gilliam, Johnny Depp, Laurence Gordon and Mace Newfeld.

Jeffrey Korchek, is currently an agent at Broder Kurland Webb Uffner. Until January 2000, he was Executive Vice President, Legal and Business Affairs for Universal Pictures where he was in charge of all legal and business affairs activities for the studio. Mr. Korchek began his career at Universal in the legal department in 1987 and was promoted to Vice President, Business Affairs in 1990. Prior to joining Universal, he was an attorney with the firm of Manatt, Phelps, Rothenberg and Tunney.

Cindi C. Lazzari's, practice includes litigating music industry contract disputes, drafting and negotiating music and film industry contracts. Her clients have included many prominent Austin artists such as Eric Johnson, Kelly Willis, Abra Moore, Chris Duarte, Ian Moore, Doyle Bramhall, Spoon, Mary Cutrufello, Charlie Robison, Dynamite Hack, David Garza, Kacy Crowley, Monte Warden, Dale Watson and many more.

Mark Litwak, is a noted industry expert and frequent speaker on independent film distribution. He has several publications such as *Dealmaking in the Film & Television Industry: From Negotiations Through Final Contracts*, *Contracts for the Film and Television Industry*, *Litwak's Multimedia Producer's Handbook*, and several others. He is Chairman of Reelplay.com, an Internet site for the buying and selling of motion picture rights. His law practice focuses on copyright, trademark, contract, multimedia law, intellectual property and book publishing.

William Nix, serves as Special Counsel at the New York office of Baker Botts L.L.P., and acts as co-chair of its Entertainment, Media and Sports Law Practice Group. William specializes in intellectual property, entertainment, sports and internet/new media law. His clients range from motion picture feature, television and video production companies/producers to directors, actors, screenwriters, authors, musicians, entertainers and professional athletes and sports agencies.

Michael Saleman, admitted to practice in California and Texas, has offices in Austin, Dallas and Los Angeles. He represents independent film makers, television producers, writers, actors and other members of the film/television community. His practice includes preparation of private offerings, limited partnerships and other financing vehicles for independent film projects.

John Sloss, has acted as Executive Producer for over twenty-five feature films including: John Sayles' "City of Hope," "Passion Fish," "The Secret of Roan Inish," "Lone Star" and "Men With Guns;" Maggie Greenwald's "The Ballad of Little Jo;" Richard Linklater's "Before Sunrise," "subUrbia," "The Newton Boys," and "Waking Life;" and many more.

William Stapleton, III, is a graduate of the University of Texas School of Law, member of the 1988 U.S. Olympic Swimming Team and President, Capital Sports Ventures, Inc., a sports marketing and management company in Austin, Texas with clients including Lance Armstrong.

Harris Tulchin, is a graduate of Cornell University and Hastings Law School, and has practiced entertainment, communications and multimedia law since 1978. He has lectured extensively at forums such as UCLA, AFI, IFP, The Sundance Producer's Conference, the Cannes, Venice, Rio de Janeiro, Singapore, Galway (Ireland), Edinburgh (Scotland) and numerous other Film Festivals. He has served as Senior Vice President of Business Affairs and General Counsel for Cinema Group; General Counsel and Head of Business Affairs for KCET Television; Senior Counsel for United Artists; Director of Business Affairs at MGM Television; and counsel for American International Pictures and Filmways Pictures (nor Orion Pictures). In addition, Mr. Tulchin is a producer's representative and has served as Executive Producer of several feature films, including the critically acclaimed *To Sleep With Anger and Guy* financed and distributed by PolyGram.

David G. Wille's, practice includes litigation (patent, trade secret, copyright and trademark), licensing, secured transactions involving intellectual property, corporate transaction involving intellectual property, patent prosecution, and trademark prosecution. He was a member of the trial team in *DSC v. Next Level Communications* where the jury awarded \$369.2 million, believed to be the largest trade secret verdict in U.S. history.

Steve Winogradsky, is the President of Winogradsky Company in North Hollywood, California which provides music business affairs and legal support for composers, songwriters, music publishers, recording artists and television, film, video and multi-media producers. Prior to forming his own company in 1992, Mr. Winogradsky served as Director of Music Business Affairs for Hanna-Barbera Productions, Inc., Managing Director of Music, Legal & Business Affairs for MCA Home Entertainment, Director of Music Licensing and Administration for Universal Pictures and Universal Television and Vice President of Business Affairs for The Clearing House, Ltd. Mr. Winogradsky has been a frequent speaker at the Annual Entertainment Law Institutes on music publishing and related topics.

REGISTRATION INFORMATION



SATISFACTION GUARANTEED!

If you are dissatisfied with the course materials for any reason, return them to us with a written request for a full refund.

Planning Committee

Mike Tolleson, Chair *Austin*
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Robert R. Carter *Austin*
Iris Jones *Austin*
Cindi Lazzari *Austin*
William Nix *New York City, NY*
June H. Peng *Austin*
Michael Norman Saleman *Austin*
Steve Winogradsky *North Hollywood, CA*

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

BAKER BOTTS L.L.P.

Register Early!

We encourage early registrations because they help us ensure that sufficient course books, seating, and refreshments will be available.

Registrations are accepted on a space-available basis. As a preregistrant, course materials and seating will be reserved for you until the start of the first presentation.

Payment

should be by check (no trust/escrow accounts, please) payable to the **State Bar of Texas** or charge to your Visa, MasterCard, AMEX or Discover. If you use a credit card, you may fax your registration to **512-463-7387**. No confirmation will be sent; pick up your name tag and program materials at the program.

Are you a member of the Entertainment and Sports Law Section?

This course is cosponsored by the Entertainment and Sports Law Section of the State Bar of Texas. If you are a current member of that section, or you agree to become one by the date of the presentation that you plan to attend, you may register at a special discount. See the registration form for details.

If you wish to join the section, please contact the State Bar's Sections Coordinator, Kathy

Casarez, at 800-204-2222, x1425. Please do not send payment for section membership with your registration fee.

If You Register But Cannot Attend

and would like a refund, mail or fax (512/463-7387) your refund request so that it is received by us **at least** one business day before the program. Registrants who do not attend will be sent the written materials.

Full-Time Judges

have a non-transferable privilege to attend complimentary if space is available after admission of all paid registrants. Judges must actually attend to receive the written materials.

Only judges retired under the judicial retirement system and full-time judges may exercise this privilege, **provided the course is directly related to the jurisdiction of their tribunal.**

This privilege does not extend to receivers, trustees, court staff, or persons serving part-time in any judicial capacity.

Persons With Disabilities

who need special accommodations to attend should contact us as soon as possible at **1-800-204-2222 x2097**.

STOP

Make Travel Arrangements Early

Hotel rooms, on a space available basis, have been blocked at special rates. To make a reservation, call Jessica at 1-800-310-3378 before **September 20, 2001**. After this date, you must contact the hotel directly. (at the Austin Film Festival office)

Omni Austin Hotel: \$139/night
Stephen F. Austin Hotel: \$149/night
Driskill Hotel: \$165/night

Discount on Airfare through Continental Airlines. Call 1-800-468-7002 and reference account code #I34PQL.

Transportation from the Airport: SuperShuttle is providing rides from the Airport to conference hotels at a rate of \$9 each way. Call SuperShuttle at 512-258-3826.

ENTERTAINMENT LAW INSTITUTE

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LIVE Austin, Oct. 12-13, 2001

1 Check all applicable boxes below to calculate your fee:

- \$245 (Registration Fee)
- Subtract \$25 for State Bar Entertainment and Sports Law Section Member.
- Subtract 1/2 (after any discounts taken above) for CLE Passport Holder.
- No charge for Qualifying Judge

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Books \$145 per set † Quantity: _____

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To purchase audiocassettes of this program, please call 800-388-5709

USE THIS FORM OR REGISTER ONLINE

Want to register early—but running out of time to get the form and payment in? Go to our web site.

www.TexasBarCLE.com or call 1-800-204-2222 x1574



8th Annual Austin Film Festival and The Heart of Film Screenwriters Conference



"For aspiring scribes, the conference is the place to learn about the craft first-hand from those who've been successful." - Daily Variety

As the first event of its kind to focus on the writer, the 8th Annual Austin Film Festival's Heart of Film Screenwriters Conference provides unique access to the most tremendous talents in the industry. Emerging writers who attend the conference discover a wealth of opportunities to mingle with their idols and peers while networking with the many producers, development executives and agents who attend annually. Nowhere are great screenwriters more celebrated or sought after. Each October the Festival recognizes the writer's contribution to the film and television industries through its panel discussions and film screenings, all geared toward championing the craft of narrative expression in motion pictures. The 2001 Conference, October 11-14, will showcase more than seventy-five writers, directors, producers, actors and studio executives, who will share their experience and expertise in over seventy panels, craft sessions, roundtables and other special events. The Conference is a rewarding, encouraging and fun experience for beginners and professionals alike. Its rich atmosphere provides an excellent setting for business and pleasure. Its scope and diversity ensure the discovery of breakthrough talent, the birth of new careers, and the growth of exciting contacts and friendships. For writers, the climate of camaraderie and exchange created by the conference is both incredible and indispensable.

For more information call 512/478-4795 or 1-800-310-FEST or go to www.AustinFilmFestival.com

CLE registrants will receive a 25% discount on all Austin Film Festival passes. (see discounted prices below)

FILM PASS \$42.50 - Access to all films (excluding special events) screened during the Festival.

CONFERENCE PASS \$275 - Access to:

- All conference panels
- All films, excluding special events
- Admission to the exhibit hall,
- Supper Buffet at the Driskill Hotel (Thursday, October 11)
- Closing Night Wrap Party, Element Nightclub (Saturday, October 13)

WEEKEND PASS \$145 - Same access as Conference registration pass, but only valid for Saturday and Sunday (October 13 and 14)

PRODUCERS PASS \$520 - same as conference pass plus

- Opening Night Premier Reception, Paramount Theatre (Thursday, October 11)
- Governor's Mansion BBQ (Friday, October 12)

Education by the Bar, for the Bar.

www.TexasBarCLE.com

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