

17th Annual Entertainment Law Institute



LIVE
Austin
October 11-12, 2007

Original poster art created by Jim Franklin to promote the first annual Willie Nelson 4th of July picnic. © 1973 Jim Franklin

Entertainment Law Institute

AUSTIN
October 11-12, 2007
Hyatt Regency Austin

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

Thursday

7.25 hrs including up to 1.5 hr ethics

- 7:30 **Registration**
- 8:30 **Welcoming Remarks**
Course Director
Mike Tolleson, *Austin*
Mike Tolleson and Associates
- 8:45 **Case Law Review and Trends 1 hr**
Stan Soocher, *Denver, CO*
Editor-in-Chief
"Entertainment Law & Finance"
- 9:45 **Review of Recent and Proposed Legislation .75 hr**
Daryl P. Friedman, *Washington, DC*
Vice President, Advocacy & Government Relations, NARAS
- Stan Soocher, *Denver, CO*
Editor-in-Chief
"Entertainment Law & Finance"
- 10:30 **Break**
- 10:45 **Ethics Jeopardy 1 hr ethics**
Tamera H. Bennett, *Lewisville*
Bennett Law Office
- William J. Chriss, *Austin*
Director, Texas Center for Legal Ethics and Professionalism
- 11:45 **Break - Lunch Provided**
- 12:10 **Texas Star Award Presentation**
Honoring Marybeth Peters, recipient of the 2007 Texas Star Award for Outstanding Achievement in the field of Entertainment Law
- 12:15 **2007 Award Recipient Remarks .5 hr**
Marybeth Peters, *Washington, DC*
Register of Copyrights
Library of Congress
- 12:45 **Break**

TRACK A

- 1:00 **Fundamentals of Copyright Termination Rights 1 hr**
Michael Perlstein, *Los Angeles, CA*
Fischbach, Perlstein, Lieberman & Almond
- 2:00 **Misappropriation of Name, Image, Likeness and Persona Claims - The Silver Bullet in Entertainment Litigation 1 hr**
D'Lesli M. Davis, *Dallas*
Fulbright & Jaworski
- Julie Anne Ford, *Austin*
George & Brothers
- 3:00 **Break**
- 3:15 **Legal Issues Encountered in Multi-Artist Rap/ Hip-Hop Album Production 1 hr (.25 ethics)**
- Producer Agreements
 - Featured Artist Agreements
 - Label Exclusivity Waivers
 - Sample Licenses
 - Remixing Agreements
- Ed Fair, *Austin*
Law Offices of Edward Z. Fair
- Tim Mandelbaum, *New York, NY*
Selverne, Mandelbaum & Mintz
- 4:15 **State Incentives for Film/TV Production 1 hr**
Jeff Begun, *Los Angeles, CA*
Axiom International
- Bob Hudgins, *Austin*
Director, Texas Film Commission
- Brian O'Leary, *New York, NY*
Vice President, Tax Counsel NBC Universal
- 5:15 **Adjourn**

TRACK B

- 1:00 **"The Big Picture" - A Bird's Eye View of the Music Industry 1 hr (.25 ethics)**
- Revenue Streams
 - Distinction Between Songwriter Income and Recording Artist Income
 - Key Professional Relationships
 - Fundamental Intellectual Property Concepts
- Buck McKinney, *Austin*
Law Office of Buck McKinney
- 2:00 **Songwriter/Publisher Agreements 1 hr**
Jeffrey Brabec, *Los Angeles, CA*
Vice President of Business Affairs
Chrysalis Music Group
- Steve Winogradsky, *North Hollywood, CA*
President, The Winogradsky Company
- 3:00 **Break**
- 3:15 **Recording Agreements 1 hr**
Jeff Biederman, *Los Angeles, CA*
Manatt, Phelps & Phillips
- David Lessoff, *Beverly Hills, CA*
Vice President, Business Affairs
New West Records
- 4:15 **Talent Management Agreements 1 hr**
Neville Johnson, *Beverly Hills, CA*
Johnson & Rishwain
- Bernard Resnick, *Bala Cynwyd, PA*
Bernard M. Resnick, Esq., P.C.
- 5:15 **Adjourn**

Friday

6 hrs including up to .5 hr ethics

- 8:15 **Announcements**
Course Director
Mike Tolleson, *Austin*
Mike Tolleson and Associates
- 8:30 **Breaking Up is Hard to Do** 1 hr
• Legal Issues Arising from Band Breakups
• Review of Texas Partnership Law as Applied to Bands and Other Entertainment Industry Organizations
John C. Ale, *Houston*
Skadden, Arps, Slate, Meagher & Flom
Buck McKinney, *Austin*
Law Office of Buck McKinney
- 9:30 **Accounting and Tax Issues for the Entertainer** 1 hr
• Role of the Business Manager
• Choosing the Right Legal Structure
• Issues for the New Artist Client
• Issues for the High Income Client
Layne Lauritzen, *Austin*
Layne Lauritzen CPA, P.C.
Chuck Flood, *Nashville, TN*
Flood, Bumstead, McCready & McCarthy
- 10:30 **Break**
- 10:45 **Nashville Record and Publishing Deals: The Process, the Politics, the Payoff** 1 hr
Moderator
Jody Williams, *Nashville, TN*
Vice President, Writer Publisher Relations, BMI
Clay Bradley, *Nashville, TN*
Assistant Vice President
A&R, RCA Records, (Sony/BMG)
Craig Hayes, *Nashville, TN*
Zumwalt, Almon & Hayes
- 11:45 **Lunch on Your Own**
- 1:15 **New Legal and Business Challenges Arising from Digital Distribution** 1 hr
Robert H. Kohn, *San Diego, CA*
Chairman & CEO, RoyaltyShare, Inc.
- 2:15 **Break**

TRACK A

- 2:30 **The Digital Millennium Copyright Act is Not an Alibi** 1 hr (.25 ethics)
Chris Castle, *Sherman Oaks, CA*
Christian L. Castle, Attorneys
- 3:30 **Producing and Pitching Film & Television Projects to Cable TV Networks** 1 hr
• The Market for Indie TV Production
• From Idea to Series: How a TV Show Gets Sold
• Cable Television/Film Acquisition Deals
Moderator
Maureen A. Doherty, *Houston*
Doherty Legal
Harold Brook, *Culver City, CA*
The Point Media
Pearlena Igbokwe, *Los Angeles, CA*
Showtime Networks (*invited*)
- 4:30 **Adjourn**

TRACK B

- 2:30 **The Line Between Amateur and Professional Sports** 1 hr
Ameen Najjar, *Indianapolis, IN*
Director of Enforcement, NCAA
Timothy Davis, *Winston-Salem, NC*
Professor, Wake Forest University Law School
- 3:30 **Negotiating for an Athlete's Services** 1 hr (.25 ethics)
• Representing the Athlete
• Representing the Team Owner
Kevin Robinson, *Boulder, CO*
Ascent Sports Management
Woodie Dixon, *Kansas City, KS*
General Counsel, Kansas City Chiefs
- 4:30 **Adjourn**

MCLE CREDIT 13.25 HRS (UP TO 2 HRS ETHICS)

MCLE COURSE NO: 900028002

Applies to the College of the State Bar of Texas.

For their generous support of this program, we would like to recognize and thank:



2007 TEXAS STAR AWARD RECIPIENT



Marybeth Peters became the United States Register of Copyrights on August 7, 1994. She also served as Policy Planning Adviser to the Register, Acting General Counsel of the Copyright Office and as chief of both the Examining and Information and Reference divisions. A frequent speaker on copyright issues, Ms. Peters is the author of *The General Guide to the Copyright Act of 1976*.

A member of the bar of the District of Columbia, Ms. Peters received her undergraduate degree from Rhode Island College and her law degree, with honors, from The George Washington University Law School. She has received numerous recognitions for her work as Register of Copyrights, including the Women in Music 1999 Touchstone Award for legislative contributions that brought significant benefit to those in music. In October, 2006 she received the American Intellectual Property Law Association Excellence Award.

Ms. Peters is a member of The Copyright Society of the U.S.A., where she serves as a member of the Board of Trustees, the Intellectual Property Section of the American Bar Association, the U.S. Chapter of the Association Littéraire et Artistique Internationale (ALAI), the American Intellectual Property Law Association (AIPLA) and the Computer Law Association.

COURSE INFORMATION

Register Early and Save \$20

by registering no later than two weeks before each presentation date. Early registrations help us ensure that sufficient course books, seating, and refreshments will be available. Registrations are accepted on a space-available basis. Course materials and seating will be reserved for pre-registrants until the start of the first presentation. No confirmation will be sent; pick up your name tag and course materials at the program.

Entertainment and Sports Law Section Members Can Save Up To \$45

because the Section cosponsors this course with TexasBarCLE. If you are a Section member, or you agree to become one by the date of the presentation that you attend, you save \$25; see the registration form. To join the Section, please contact the State Bar's Sections Coordinator, Kathy Casarez, at 800-204-2222, x1420. Please do not send payment for Section membership with your registration fee.

Qualifying Judges

may attend free of charge, provided (1) the course is directly related to the jurisdiction of their tribunal, (2) they are full-time judges or judges retired under the judicial retirement system, and (3) space is available after admission of all paid registrants. Judges must actually attend to receive course materials. This privilege does not extend to receivers, trustees, court staff, or persons serving part-time in any judicial capacity.

If You Register But Cannot Attend

you can still earn participatory MCLE credit and receive the written materials. As a registrant, you are entitled to special benefits via our web site (see "Two Free Online Benefits For Course Registrants," below). However, if you wish to receive a refund instead, mail or fax (512-427-4111) your request so that we receive it at least one business day before the program. Registrants who do not attend will be sent the course materials.

Two Free Online Benefits for Course Registrants

will be available 4-8 weeks after the course: (1) streaming video and audio versions of each presentation and (2) electronic versions of the course materials. To access these benefits, log onto TexasBarCLE.com. To view videos, look under "Your Online Classroom" and click on "Free Classes from Seminars You've Attended." For course materials, check our home page for "Your Online Library." Below that, click on "Free Articles from Seminars You've Attended." Remember: there's no extra charge. As a registrant, you're already entitled!

MP3 CDs

require an MP3-compatible device (e.g., an iPod or a portable or non-portable CD/MP3 player) for playback. Older CD Players may not play MP3 CDs. Most computers can play MP3 CDs; many can be used to extract MP3 files and burn them onto audio CDs playable in car stereos. MP3-compatible devices may be combined with a commercially available adaptor to transmit sound to a car's FM radio or audiocassette player.

Persons with Disabilities

who need special accommodations to attend should contact us as soon as possible at 1-800-204-2222, x1797.

For More Information on the Speakers on this Program

See our online version of this brochure for detailed bios of our roster of wonderful speakers! Just go to TexasBarCLE.com and click on "Seminars" to do a search for this brochure.

Discount on Austin Film Festival 2007 Passes

Be sure to take advantage of special film festival discount passes available only to TexasBarCLE Entertainment Law registrants. (See back of brochure for more details.)

Course Director

Mike Tolleson Austin

Planning Committee

J. Craig Barker Austin
Tamera H. Bennett Lewisville
D'Lesli M. Davis Dallas
Maureen A. Doherty Houston
Buck McKinney Austin
Kenneth William Pajak Austin
Laura Lee Prather Austin
Stan Soocher Denver, CO
Alan W. Tompkins Dallas
Steve Winogradsky North Hollywood, CA

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Alan W. Tompkins Chair-Elect
D'Lesli M. Davis Secretary
Shannon Jamison Treasurer
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John Edwards Executive Director
Patrick A. Nester Director, TexasBarCLE
Ann H. Kloeckner Program Attorney
Elexia Lowe Program Coordinator

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 the State Bar of Texas Entertainment Law Institute.

Austin

Hyatt Regency Austin
208 Barton Springs Road
(512) 477-1234
\$169 for a single/double
Deadline: September 11th*

* The reserved block of rooms may fill up before the deadline indicated. Act now!

■ Online

TexasBarCLE.com
credit card only

■ Phone

800-204-2222, x1574
during business hours
credit card only

■ Fax

512-427-4111
credit card only

■ Mail

State Bar of Texas - CLE
LB #972298
P. O. Box 972298
Dallas, TX 75397-2298
check or credit card

Entertainment Law Institute

8095

1 Check all applicable boxes below to calculate your fee:

- \$300 AUSTIN Live, October 11-12** Early Registration Deadline: September 27
Includes Thursday Luncheon!
- Add \$20** if registering **after September 27th**.
(If registration is by mail, date of postmark will determine if this fee applies.)
- Subtract \$25** if you are a member of the State Bar Entertainment and Sports Law Section -OR- State Bar College -OR- State Bar Legal Administrators or Paralegal Division -OR- licensed two years or less.
- No charge** for Qualifying Judge

My registration fee after all calculations: \$ _____

2 I can't attend. Just send course materials.* FREE Shipping & Handling

- | | | |
|--|-------------------------|-----------------|
| <input type="checkbox"/> Course Book | \$155 each [†] | Quantity: _____ |
| <input type="checkbox"/> Set of MP3 speeches on CD ^{††} | \$150 set [†] | Quantity: _____ |
| <input type="checkbox"/> Set of course audio CDs | \$230 set [†] | Quantity: _____ |

3 State Bar Membership No. _____

Name _____ Preferred Badge Name _____

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I am paying by:

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

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*Online versions (PDFs) of course materials will be available for purchase 4-8 weeks after the course in the Online Library at TexasBarCLE.com. Course registrants receive access to the PDFs at no additional charge (see "Two Free Online Benefits for Course Registrants" in this brochure).
[†]Plus 7.25% tax (8.25% for Austin address) on total. Book orders and audio CD orders are shipped separately and filled approximately 4-6 weeks after the live program. You will be billed unless you authorized a credit card charge above.

^{††}CDs require MP3-compatible player for playback. Older CD players may not play MP3s. See "MP3 CDs" under "Course Information."

14th Anniversary Austin Film Festival 2007

Don't miss the 14th anniversary of the Austin Film Festival, October 11-18, in Austin, Texas!

When the Austin Film Festival & Conference launched in 1993, we were the first Conference to celebrate the importance of narrative storytelling in film and the screenwriters' contributions to film and television. Fourteen years later, you can't throw a stick without hitting a film festival or writers' conference. So, what makes the AFF & Conference different from all the rest? Unparalleled access to the right people and the tools needed to get your filmmaking/screenwriting career off the ground.

We are honored to announce that John Milius will be the recipient of the 2007 Distinguished Screenwriter Award. Milius is best known for writing the screenplay *Apocalypse Now*. Other credits include *Big Wednesday*, *Conan the Barbarian*, *Red Dawn*, *Clear and Present Danger*, *The Hunt For Red October*, *The Wind and the Lion*, *Farewell To The King*, *Jeremiah Johnson*, *Judge Roy Bean*, *Geronimo* and *Flight of the Intruder*. John Milius' most recent work includes the HBO's award winning series, *Rome*.

OTHER CONFIRMED SPEAKERS: (Full listing at www.austinfilmfestival.com)

Aline Brosh McKenna (*The Devil Wears Prada*, *Laws of Attraction*, *Three To Tango*)

Larry Wilmore ("*The Office*", "*The Bernie Mac Show*", "*The PJs*", "*The Fresh Prince of Bel-Air*", "*In Living Color*")

In addition to the AFF Conference, there will be over 80 advance screenings and film premieres, as well as after parties providing the opportunity to mingle and network with the A-list filmmakers, screenwriters, agents, managers, producers, and development executives who attend annually.

The AFF has been committed to bringing the biggest and brightest names in entertainment to Austin for 14 years. In 2007, AFF continues its tradition of celebrating screenwriters and filmmakers while highlighting some of the most notable narrative and documentary independent films of the day. The AFF Screenwriters Conference will provide registrants unparalleled access to some of the best writers in the field. Don't just watch – be a part of it all!

The Conference is a rewarding, encouraging and fun experience for beginners and professionals alike. For writers, the climate of camaraderie and exchange created by the Conference is both incredible and indispensable.

Check out www.austinfilmfestival.com or call 1-800-310-FEST for more information.

Be sure to take advantage of these special Austin Film Festival Discount Passes

****for Entertainment Law registrants**

Regular Conference Badge* \$325 (regular price = \$375)

This pass provides the perfect opportunity to network with your colleagues in the business and have lots of fun in the process! Includes admission to:

- Panel Discussions
- Exhibit Hall
- Meet and Greet
- Film Screenings for all 8 nights
- Late Night Welcome Party
- Conference Closing Wrap Party

All-Access Producers Pass* \$550 (regular price = \$695)

This is the real deal premier pass and includes admission to everything above AND the following:

- ACUB Opening Night Premier Party
- Film Texas BBQ Supper
- Filmmaker's Happy Hour
- Closing Night Premier Party

*Certain special events may require an additional purchased ticket. Individual passes are for one person only and do not include a guest.

**Passes available by phone only at 1-800-310-FEST and require proof of registration for the 2007 TexasBarCLE Entertainment Law Institute.

Other Pass/Badge Deals for Registrants:

Weekend Badge \$200 (\$25 off!)

Day Badge \$85 (\$10 off!)

Film Pass \$30 (\$5 off!)



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

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