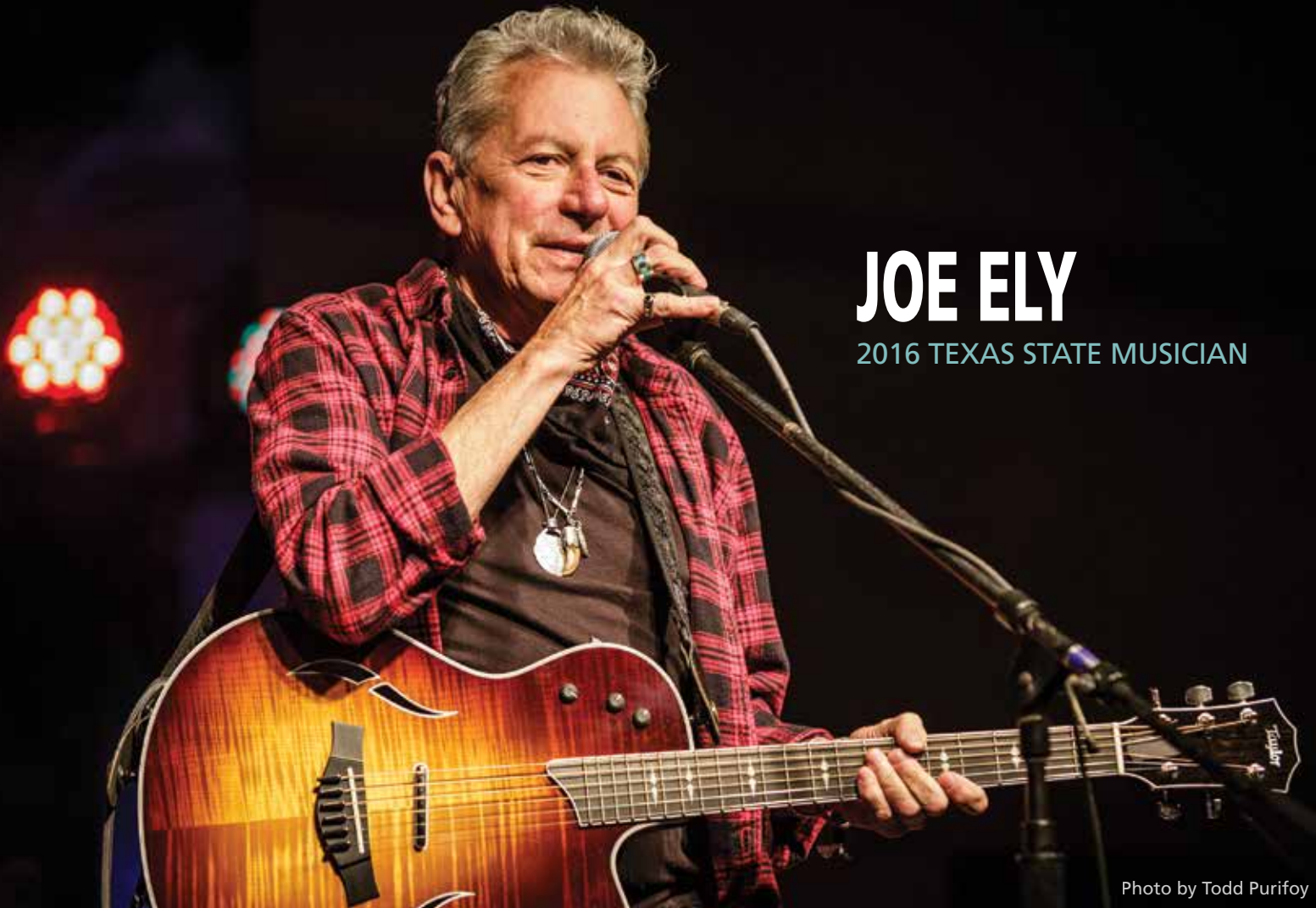


26th Annual

Entertainment Law Institute



JOE ELY

2016 TEXAS STATE MUSICIAN

Photo by Todd Purifoy

LIVE Austin • November 3-4, 2016 • Sheraton Austin at the Capitol



MCLE CREDIT
13.5 Hours (2 Ethics)

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#TBCLE

Thursday

7.5 hours including .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 of Podcasting:**
A Special Edition of the
Entertainment Law Update Podcast
1 hr (.25 ethics)
During this live podcast episode of Entertainment Law Update the panel will cover trending entertainment law cases, podcast case law and use of podcasting while complying with lawyer advertising rules.
Tamera H. Bennett, *Lewisville*
Bennett Law Office
Gordon P. Firemark, *Los Angeles, CA*
Law Offices of Gordon P. Firemark
Author, "The Podcast, Blog & New Media Producer's Legal Survival Guide"

MCLE CREDIT

13.5 Hours (2 ETHICS)
MCLE Course No: 901357614

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

Stan Soocher, *Denver, CO*
Editor-in-Chief, Entertainment Law & Finance
Associate Professor, Music & Entertainment Industry Studies
University of Colorado Denver

9:45 **Roundup of Recent Entertainment Industry Cases** *1 hr*
Professor Stan Soocher presents a roundup of entertainment industry cases and is joined by Entertainment Law Update Podcast co-hosts Tamera Bennett and Gordon Firemark.

Stan Soocher, *Denver, CO*
Editor-in-Chief, Entertainment Law & Finance
Associate Professor, Music & Entertainment Industry Studies
University of Colorado Denver

10:45 **Break**

11:00 **Mega-trends in the Digital Video Ecosystem** *1 hr*
From Cord-Nevers to MultiChannelNetworks, Social Media Stars to Event Cinema, Over The Top to Live Streaming and eSports - the traditional entertainment industry is being disrupted on all sides. This panel will provide an overview of the impact of these mega-trends on the digital video business.

David Ho, *Los Angeles, CA*
General Counsel, Fullscreen Media
Rooster Teeth
Michele Martell, Esq., *Austin*
Martell Media House

12:00 **Break - Lunch Provided**

12:15 **Texas Star Award Presentation**

12:30 **Luncheon Presentation: "The Rise of the Artist Rights Movement"** *.5 hr*
Christian Castle, *Austin*
Christian L. Castle, Attorneys

1:00 **Break**

1:15 **eSports: From Live Streaming to Entertainment Mainstream** *1 hr*
eSports tournaments of professional videogame players are increasingly played in large venues and streamed online for multi-million dollar prizes and

covered by ESPN, Yahoo, The CW, Turner and WME/IMG with new companies like Oomba Gameworks moving in.

Moderator

Michele Martell, Esq., *Austin*
Martell Media House

David Ho, *Los Angeles, CA*
General Counsel, Fullscreen Media
Rooster Teeth

Michael Williams, *Los Angeles, CA*
Oomba.com

2:15 **Broadway Musicals: the Contracts, Royalties and Economics of the "Great White Way"** *1 hr*

This panel will discuss the many different types of music licensing deals, contracts and practices that come into play when dealing with the four basic types of musicals including the model Dramatists Guild Approved Production Contract, royalty pool and "fixed" dollar shows licensing agreements, subsidiary rights, producer vesting, weekly minimums, grand rights song licenses and revenue sharing arrangements.

Jeff Brabec, *Los Angeles, CA*
BMG, Vice President - Business Affairs
Co-author, "Music, Money and Success"
Todd Brabec, Esq., *Los Angeles, CA*
Former ASCAP Executive Vice President
Co-author, "Music, Money and Success"

3:15 **Break**

3:30 **Copyright Infringement Issues: Blurred Lines, Stairway to Heaven, and Beyond** *1 hr*

A review of issues to consider before pursuing a copyright infringement claim including deciding when to settle or aggressively defend such a claim, how to analyze the strength and value of actual claims, and choice of jurisdiction.

Howard E. King, *Los Angeles, CA*
King, Holmes, Paterno & Soriano

4:30 **The Latest News from the Digital Music Battlefield** *1 hr*

Our panelists will discuss current developments in the digital landscape with up-to-the-minute news and developments regarding the performing rights organizations, royalty settlements, pending litigation against Spotify,

proposed changes to the Copyright Act and potential trends in the digital space.

Christian L. Castle, *Austin*
Christian L. Castle, Attorneys

Steven Winogradsky, *Studio City, CA*
Winogradsky/Sobel

5:30 **Adjourn**

Friday

6 hours including 1.75 ethics

8:15 **Coffee and Pastries Provided**

8:40 **Announcements**

8:45 **Don't Try This at Home: The Questionable Ethics of "Better Call Saul"** 1 hr ethics

This ethics program uses humorous clips from *Better Call Saul* as a launching pad to discuss a wide range of ethics issues.

Nicole I. Hyland, Esq., *New York, NY*
Partner, Frankfurt Kurnit Klein & Selz

9:45 **You're Remixing Me Up: Sorting Out the Legal Issues in Remixes, Mash-Ups and Music Samples** 1 hr (.25 ethics)

This panel aims to clarify the issues surrounding the "remix" culture, and its musical cousins "mash-ups" and "music sampling," and the U.S. Commerce Department's recommendations for copyright issues in remixes.

Moderator

Stan Soocher, Esq., *Denver, CO*
Editor-in-Chief, "Entertainment Law & Finance"

Associate Professor, Music & Entertainment Industry Studies
University of Colorado Denver

Michael C. Donaldson, Esq.,
Beverly Hills, CA
Donaldson & Callif

Edward H. Shapiro, *New York, NY*
Reed Smith



Photo by John Cao

Video game competitions draw large arena size audiences

10:45 **Break**

11:00 **Digital Distribution of Sound Recordings** 1 hr (.25 ethics)

A review of the opportunities and deals available for indie artists and record labels looking for distribution of sound recordings.

John Strohm, *Nashville, TN*
Loeb & Loeb

12:00 **Lunch on Your Own**

1:00 **Clearing Films for E&O Insurance and Handling the Claims That Are Sure to Follow** 1 hr (.25 ethics)

The author of "Clearance & Copyright" and leading legal counsel on fair use and documentary films will answer questions on fair use, personal rights and the all-important risk assessment.

Michael C. Donaldson, Esq.,
Beverly Hills, CA
Donaldson & Callif
Sally Helppie, *Dallas*
Vincent Serafino Geary Waddell Jenevein

2:00 **Fifty Shades of Greed: A Case Study on Partnership by Conduct** 1 hr
The "Fifty Shades of Grey" trilogy

serves as a case study for how a partnership by conduct can be created under Texas law, legal aspects of the publishing industry, subsidiary rights, and a precautionary tale about the pitfalls of working with others on a venture without having a written agreement in place.

Michael D. Farris, *Dallas*
Vincent Serafino Geary Waddell Jenevein
Brent A. Turman, *Dallas*
Vincent Serafino Geary Waddell Jenevein

3:00 **Break**

3:15 **Investor Financing of Independent Film - Issues and Options** 1 hr

Is your client raising money from private investors? John Cones will discuss the securities issues, business entity structure and formation, and private placement documents.

John Cones, *Austin*
Law Office of John Cones
Author, "43 Ways to Finance Your Feature Film"

4:15 **Adjourn**

2016 Texas Star Award Recipient



Prior to founding **Christian L. Castle, Attorneys in Austin, Texas**, Chris was SVP and General Counsel at SNOCAP in San Francisco, SVP Business Affairs at Sony Music in New York, and VP Business & Legal Affairs at A&M Records in Hollywood. He is a frequent speaker at professional events such as the National Association of Attorneys General, SXSW and the California Copyright Conference. Most recently, Chris lectured at the University of Texas Butler School of Music, American University and the UCLA Herb Alpert School of Music. As an important voice in the national debate over music industry and copyright law policy, Chris also writes a blog for the Huffington Post, contributes to Hypebot and The Trichordist, and writes the MusicTechPolicy.com and MusicTech.Solutions blogs.

Chris is an MBA graduate of the UCLA Anderson School of Management and a JD graduate of the UCLA School of Law where he was a member of the *UCLA Law Review* and an Olin Fellow in Law and Economics. He is admitted in Texas and California.

For their generous support of this program, **TexasBarCLE** and the **Entertainment and Sports Law Section** recognize and thank



Ways to Save on This Course!

Meet the October 20 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.

Entertainment and Sports Law Section Members Can Save Up To \$75

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Active State, County, and Texas-Area 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. Sheraton at the Capitol is offering attendees a discounted self-parking rate of \$12 per day (based upon availability).

If You Need Special Accommodations to Attend,

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Interested in Sponsoring or Exhibiting at This Course or Others?

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

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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

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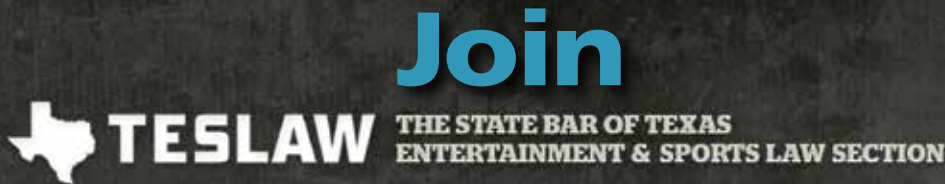
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26th Annual

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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.

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Photo by Todd Purifoy

JOE ELY

2016 TEXAS STATE MUSICIAN

Joe Ely blew out of Lubbock in the mid-70s and toured the world with a rock n roll band influenced by Buddy Holly, Waylon Jennings, Roy Orbison, and Bob Wills who preceded him. His songs about howling winds, dust storms, freight trains, rattlesnakes, love lost and found, with lyrics carried by a Tex-Mex mixture of rock, country, blues, folk, zydeco and norteno music put him on stage with performers such as Bruce Springsteen, the Rolling Stones, the Clash, and Tom Petty. Today he tours with his band and often plays with pals, Jimmie Dale Gilmore and Butch Hancock as The Flatlanders. Joe was recently inducted into the Texas Heritage Songwriter's Hall of Fame and is the 2016 Texas State Musician.