

# 30<sup>TH</sup>

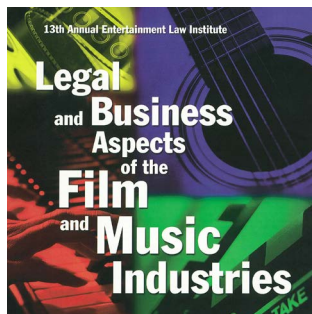
ANNIVERSARY

# Entertainment Law Institute

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**WEBCAST** • November 19-20, 2020 | **WEBCAST REPLAY** • December 17-18, 2020

Join us a day early for **Entertainment Law 101!**



LEGAL ASPECTS OF THE  
ENTERTAINMENT  
INDUSTRY

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OF THE  
ENTERTAINMENT  
INDUSTRY

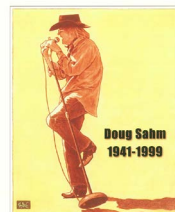
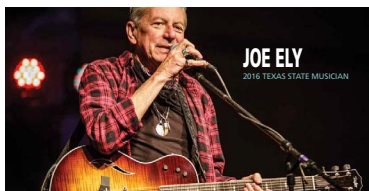
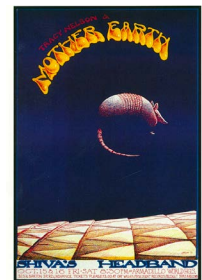
Legal and Business Aspects of  
**FILM** *Music*  
**SPORTS**  
and digital  
media



STATE BAR OF TEXAS  
PROFESSIONAL & DEVELOPMENT

6TH ANNUAL  
LEGAL ASPECTS  
OF THE  
ENTERTAINMENT  
INDUSTRY

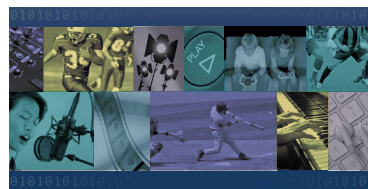
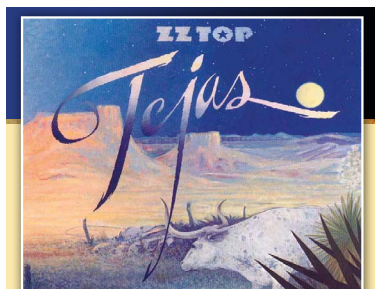
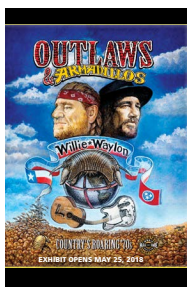
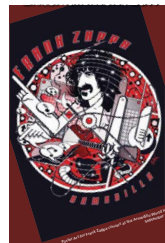
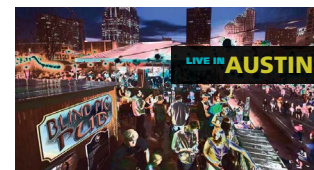
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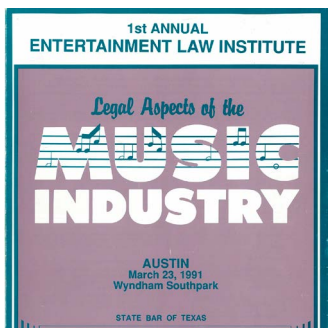
Legal and  
Business Aspects  
of the  
**Film**  
and  
**Music**  
Industries

LIVE  
Austin  
October 11-12, 2002  
Omni Hotel

Sponsoring Contributions from  
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LEGAL ASPECTS OF THE  
**MUSIC**  
INDUSTRY



**MCLE CREDIT** 12.5 Hours (1.75 Ethics)

▼ Downloadable Course Materials



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Education by the Bar, for the Bar

# Entertainment Law 101: The Music Edition

Lawyers licensed 5 years or less get a **discount!**

(See page 5 for details.)

**Watch from your computer or mobile device!**

## WEBCAST

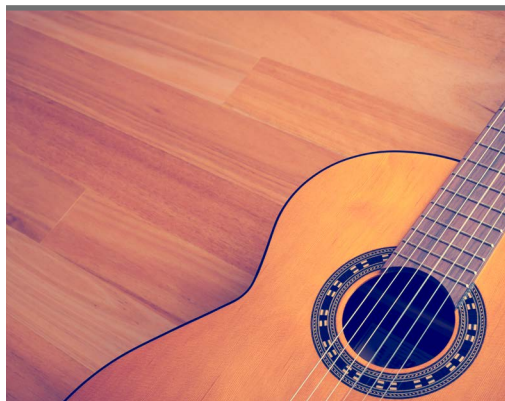
November 18, 2020

## WEBCAST REPLAY

December 16, 2020

## PURPOSE & SCOPE

This year's 101 program will focus on issues pertaining to clients in the music industry. Dubbed The Music Edition, attendees will learn about key deal points and negotiation strategies for artist management contracts and producer agreements. We will also discuss Texas entity formation considerations for musicians, as well as the ethics of representing group clients in the music business.



## MCLE CREDIT

3.25 Hours (1.5 Ethics)

MCLE Course No: 174093531

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



## WEDNESDAY

3.25 hours including 1.5 ethics

### 12:55 Welcoming Remarks

#### Course Director

Amy E. Mitchell, *Austin*

Amy E. Mitchell, PLLC

### 1:00 Ethics Checklist for Transactional Representation of Group Clients in the Music Business 1 hr ethics

How to decide which music clients the firm can (or should) accept, as well as sticky ethics issues when it comes to representing group artist clients. Other topics to include non-engagement and disengagement letters, conflicts waivers, and third party payment of fees.

Christian Castle, *Austin*

Christian L. Castle, Attorneys

### 2:00 Band LLCs: Happy Beginnings & Bitter Endings .75 hr

Texas entity formation considerations for musicians, including who's in and who's out, who has decision-making authority, what are the assets, how are profits/losses shared, how does copyright affect LLC rights, and what are the issues and options if members have disagreements that they can't resolve? A sample band operating Texas LLC agreement and exit agreement with annotations will be provided.

J. Craig Barker, *Austin*

Law Office of Craig Barker

Ken Pajak, *Austin*

Pajak Law

### 2:45 Break

### 3:00 Negotiating Artist Management Contracts .75 hr (.5 ethics)

Common provisions in artist management agreements and how to negotiate these terms through a mock negotiation.

Amy E. Mitchell, *Austin*

Amy E. Mitchell, PLLC

Brooks Rice, *Austin*

Brooks Rice Law

### 3:45 Key Terms in Producer Agreements .75 hr

Andréa Villarreal, *Austin*

Oaks Hartline & Daly

### 4:30 Adjourn



**TESLAW.org**

## THE STATE BAR OF TEXAS ENTERTAINMENT AND 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 dues are \$30, and 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](https://www.texasbar.com/sections) to pay by mail.



# TexasBarCLE presents the 30<sup>th</sup> Annual Entertainment Law Institute

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

Early discount extended - **save \$50!**

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

See page 5 for **additional discounts!**

Watch from your computer or mobile device!

## WEBCAST

November 19-20, 2020

## WEBCAST REPLAY

December 17-18, 2020

## PURPOSE & SCOPE

This year's program will include a series of presentations covering entertainment law aspects of recent court rulings, contracting with minors, video games, live streaming, podcasting, street art, pandemic issues, talent management contracts, SoundExchange, major and indie record label business, and the Mechanical License Committee established under the Music Modernization Act.



Thank You to  
Our Sponsor



## MCLE CREDIT

12.5 Hours (1.75 Ethics)

MCLE Course No: 174093542

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

## THURSDAY

7.5 hours including 1.5 ethics

### 8:40 Welcoming Remarks

#### Course Director

Mike Tolleson, *Austin*

Mike Tolleson & Associates

### 8:45 Representing Entertainment Industry Clients: Common Sense Guidance to Identify and Avoid Conflicts of Interest 1 hr ethics

This session will give entertainment counsel practical guidance about resolving ethical dilemmas while protecting their client's best interests to ensure they can provide conflict-free representation.

Monica Emilienburg Layfield, *Austin*

Layfield Law Practice

### 9:45 Annual Roundup of Notable Entertainment Industry Court Rulings 1 hr

Stan Soocher, Esq., *Denver, CO*

Editor-in-Chief, "Entertainment Law & Finance"

Professor, Music & Entertainment Industry Studies

University of Colorado Denver

### 10:45 Break

### 11:00 Contracting with Minors in the Entertainment Industry 1 hr (.25 ethics)

Beverly J. Davis, *Washington, D.C.*

Davis Law

Ryan Webster, *Denton*

Alagood Cartwright Burke

### 12:00 Break

### 12:30 Overcoming Obstacles Related to COVID-19's Impact on the Music Industry: Touring, Recording, and Financial Considerations for Artists and Small Businesses 1.5 hrs (.25 ethics)

This presentation will follow "Artist Amy," who is seeking to record, release, and support a new album in the time of COVID-19. We will navigate scenarios relating to touring and recording postponements and cancellations, discuss common questions arising from the CARES Act loan programs, and examine bankruptcy options.

Buck McKinney, *Austin*

Law Office of Buck McKinney

Amy E. Mitchell, *Austin*

Amy E. Mitchell, PLLC

Peter C. Ruggero, *Austin*

Ruggero Law Firm

Gwendolyn Seale, *Austin*

Mike Tolleson & Associates

SBA Representative to be Announced

### 2:00 Vandals and Virtuosos: Street Art's Evolving Legal Landscape 1 hr

A review of street art and how its expressions have been branded by the law, at various times and places, as criminal activity, political speech, or art.

Susan Benton, *San Diego, CA*

SGBenton Law Firm

### 3:00 Break



#TBCLE

3:15 **Gamers Are People Too: Privacy, Publicity, Defamation, and Bad Behavior in the Game Community** 1 hr

Mark Methenitis, *Dallas*

T-Mobile USA

Andrea Perez, *Dallas*

Carrington Coleman Sloman & Blumenthal

4:15 **Mechanical Licensing Collective Update: Rights, Rates, and Royalties Post Music Modernization Act** 1 hr

**Moderator**

Christian Castle, *Austin*

Christian L. Castle, Attorneys

Jeff Brabec, *Los Angeles, CA*

BMG, Senior Vice President - Business Affairs

Coauthor, "Music, Money and Success"

Todd Brabec, Esq., *Los Angeles, CA*

Former ASCAP Executive Vice President

Coauthor, "Music, Money and Success"

5:15 **Adjourn**

**FRIDAY**

5 hours including .25 ethics

8:40 **Announcements**

8:45 **From Live Events to Quarantine Streams: Exploring Live Streaming Legal Issues** 1 hr

Gwendolyn Seale, *Austin*

Mike Tolleson & Associates

9:45 **I Want to Speak to the Manager: The Role of the Artist's Manager** 1 hr (.25 ethics)

The role of the artist's manager has become increasingly complex with more responsibility for artist development, music production, publishing, and branding, giving rise to new opportunities, contractual issues and potential conflicts.

Judy Tint, *New York, NY*

Counselor at Law

10:45 **Break**

11:00 **SoundExchange: Collecting Sound Recording Performance Royalties for Master Owners, Musicians, and Producers** 1 hr

Brad Prendergast, *Washington, D.C.*

Assistant General Counsel, Licensing & Enforcement

SoundExchange

12:00 **Break**

12:30 **Legal Aspects of the Podcasting Industry** 1 hr

In this session, podcaster and podcast lawyer, Gordon Firemark surveys the legal issues and challenges confronting podcasters, platforms, networks, and advertisers, and explores frameworks for addressing thorny content rights issues in this new landscape.

Gordon Firemark, *Los Angeles, CA*

Attorney at Law

1:30 **Indie and Major Labels in the Post-Streaming Era** 1 hr

Larry S. Miller, *New York, NY*

Clinical Associate Professor/Director, Music Business Program

NYU Steinhardt

2:30 **Adjourn**



► **Institute Director**

Mike Tolleson ..... Austin

► **101 Director**

Amy E. Mitchell ..... Austin

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Craig Baker ..... Austin

Susan Benton ..... San Diego, CA

Christian Castle ..... Austin

Gwendolyn Seale ..... Austin

Prof. Stan Soocher ..... Denver, CO

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Kandi Botello ..... Program Planner

Michelle Townley ..... Sr. Program Coordinator

Yvette Ramirez ..... Written Materials Coordinator

Kathy Kasper ..... Meeting Planner

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Gwendolyn Seale ..... Treasurer

Dena Weaver ..... Immediate Past Chair

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## Ways to Save on This Course!

### 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](https://www.texasbar.com/sections) pay by mail. Please do not send section membership payment with your registration fee.

### GO GREEN and Save \$25

Select the PDF download ONLY for a discount.

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

## FYI

### Scholarship Information

TexasBarCLE offers scholarships for live courses, video replays, online classes, and webcasts. 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 out-of-state programs for a discounted rate or in-state programs 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.

**Registered but Can't Attend? Still Earn MCLE Credit by taking the course online later.** If you would rather have a refund, call (800) 204-2222, x1574 or fax your request to (512) 427-4443. **Refund requests must be made** at least one business day before the program.

### Interested in Sponsoring or Exhibiting at this Course or Others?

Please contact us at [clesponsorships@texasbar.com](mailto:clesponsorships@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.

## REGISTER ONLINE ▶ [TexasBarCLE.com](https://www.TexasBarCLE.com)

### ▶ How to Register for the Webcast

Webcast registration is only online and by using a credit card. Go to [TexasBarCLE.com](https://www.TexasBarCLE.com) and click on **Webcasts**. Then under the listing for **Entertainment Law 101** or **Entertainment Law Institute**, click **Register for Webcast**. Mail, fax, or phone registrations will not be accepted.

### ▶ Webcast Registration Fee and Course Material

The November **Webcasts** include a live chat feature and the option to submit questions to the speakers. Fees are as follows:

- **Institute** - \$495 per regular registrant, or \$272.50 for attorneys licensed 5 years or less
- **101 Course** - \$175 per regular registrant, or \$125 for attorneys licensed 5 years or less

The December **Webcast Replay** fees are as follows (special features/options not included):

- **Institute** - \$445 per regular registrant, or \$247.50 for attorneys licensed 5 years or less
- **101 Course** - \$145 per regular registrant, or \$125 for attorneys licensed 5 years or less

Additional discounts available online for **Institute** webcasts!

▶ **Course Materials** are included as PDFs for the webcast. A hardcopy book is included in your **Institute** registration, or go GREEN for a discount! When ordering a hard copy book, please confirm your shipping address. Pre-ordered books are generally shipped the week of the program. Book orders placed within 2 weeks of the program date may not arrive before the program begins. For any questions, please email [cleregistration@texasbar.com](mailto:cleregistration@texasbar.com).

### ▶ Claiming MCLE Credit

For the webcast, click the **Claim Credit** tab at the conclusion of your viewing. Please read & acknowledge the instructions, edit any information if needed, then click **Submit Hours** at the bottom of the page.

### ▶ Replaying the Webcast

If you cannot watch the entire webcast at its scheduled time, an archived recording will be available under **My Purchases** within a few days of the live program. You may then complete the program at your convenience and claim MCLE credit through October 31, 2021.

### IMPORTANT:

Registration for this webcast admits only the registrant. Registrants are expressly prohibited from allowing nonregistrants access to the program.

**For group viewings of a webcast**, contact Firm & Group Sales Manager Laura Angle at (512) 263-2802 or [laura.angle@texasbar.com](mailto:laura.angle@texasbar.com).

## I can't attend, but would like the materials

### FREE Shipping & Handling

To purchase the **Institute** hard copy book for \$155 (plus tax), or to purchase a discounted PDF download of the 101 Course or Institute materials, search **Publications** at [TexasBarCLE.com](https://www.TexasBarCLE.com) (available 1-2 weeks after the course). Book orders are shipped separately 1-2 weeks after the live program.

**Questions?** Please email [cleregistration@texasbar.com](mailto:cleregistration@texasbar.com) or call (800) 204-2222, x1574.