

**15th Annual Entertainment Law Institute**

# Legal and Business Aspects of Music, Motion Pictures, and Digital Entertainment



Live Austin Omni Hotel October 21-22, 2005



Entertainment Law Institute

# Legal and Business Aspects of Music, Motion Pictures, and Digital Entertainment

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

## AUSTIN

October 21-22, 2005

Omni Hotel Downtown

## MCLE CREDIT

13.25 HOURS (2.25 ETHICS)

MCLE COURSE NO: 000086443

Applies to the College of the State Bar of Texas.

## CPE Credit

TexasBarCLE 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 totals 16 hours.

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



## Friday

6.5 hrs including 1.5 hr ethics

8:00 Registration

8:30 Welcoming Remarks

Institute Director

Mike Tolleson, *Austin*

Mike Tolleson & Associates

## COPYRIGHTS

8:45 **The Global Copyright Protection System with Emphasis on Music, Film and Literary Works.** A review of the international network of treaties and strategies for global protection of creative works of U.S. origin; effect of territorial differences on the commercial exploitation of music, motion pictures and literary works; current major issues and potential solutions. *1 hr*

Lon Sobel, *Santa Monica, CA*  
Editor, "Entertainment Law Reporter"

9:45 **Copyright in the Digital World.** Recent business developments and legal issues resulting from convergence of digital technology and the music business; impact of MGM v. Grokster, and recent legislation. *.75 hr*

Susan Butler, *New York, NY*  
Legal & Music Publishing Editor, *Billboard* and *Entertainment Law Weekly*

10:30 Break

10:45 **The Global Royalty Collection System for Music Publishers and Owners of Sound Recordings.** A review of the international network of performing rights and mechanical licensing agencies; the role and use of

sub-publishers; strategies for collecting royalties from around the world; changes resulting from the formation of the European Union; new revenue streams in a digital world and how to collect them. *1 hr*

Steve Winogradsky, *N. Hollywood, CA*  
President, The Winogradsky Company

11:45 **Break for Lunch** (*Sponsored by BMI*)

12:00 **Luncheon Award Presentation:** Honoring **M. William Krasilovsky**, recipient of the State Bar of Texas Entertainment & Sports Law Section 2005 Texas Star Award for Outstanding Contribution and Achievement in the field of Entertainment Law.

## Family Law and Copyrights.

*.5 hr / .25 ethics*

M. William Krasilovsky, *New York, NY*  
Law Offices of M. William Krasilovsky and John Gross

1:00 Break

## ETHICS

1:15 **Ethics Issues for the Practicing Entertainment Lawyer.** A review of issues such as dual professions, advertising rules, compensation arrangements, and contingency fees. *.75 hr ethics*

Randal Johnston, *Dallas*  
Johnston-Tobey

## ESTATE PLANNING

2:00 **Estate Planning and Administration for Copyright Owners.** A review of estate planning issues specific to copyrights; administration of songwriter

and artist estates; rights of heirs.  
1 hr / .25 ethics

Paula Katz, *New York, NY*  
ASCAP

M. William Krasilovsky, *New York, NY*  
Law Offices of M. William Krasilovsky  
and John Gross

### 3:00 Break

## TRADEMARKS and BRAND MANAGEMENT

**3:15 Global Protection Strategy for Entertainment Industry Trademarks and Servicemarks.** Practice tips for registering names and developing a global protection strategy for band names, company names, film titles, television programs, and domain names; product placement and trademark issues for film producers. .75 hr

Purvi J. Patel, *Dallas*  
Haynes and Boone

## CONTRACTS

**4:00 Court Currents: A Practical Look at Recent Court Cases Impacting the Entertainment Industry.** A review of recent court decisions regarding key contract law issues as they pertain to film and music industry agreements. .75 hr / .25 ethics

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

### 4:45 Adjourn

## Saturday

6.75 hrs .75 hr ethics

**8:30 Announcements  
Institute Director**  
Mike Tolleson, *Austin*  
Mike Tolleson & Associates

## MUSIC

**8:45 Resolving Royalty Claims and Disputes in the Music Business.** Strate-

gies and tactics for collecting past due royalties; handling statute of limitation defenses; review of claims theories and case studies. .75 hr / .25 ethics

Steven Ames Brown, *San Francisco, CA*  
Attorney at Law

**9:30 The Ever-Changing Record Business.** Negotiating artist agreements with major labels; a review of recording contract provisions dealing with new technology and business opportunities; issues facing independent record companies. 1 hr

Chris Castle, *Sherman Oaks, CA*  
Attorney at Law

Peter Gordon, *Norwalk, CT*  
Thirsty Ear Recordings, Inc.

### 10:30 Break

## DIGITAL ENTERTAINMENT

**10:45 Coming at You: New Products, Problems and Processes Enabled and Accelerated by the Global Internet and Digital Convergence.** New challenges are being created for entertainment and copyright lawyers by new technology-based media and mobile devices. Copyright and business issues flow from blogs, podcasting, self-publishing, new-style roll-your-own Creative Commons licenses, and other recently emerging tools. A veteran information technology lawyer will address the changes entertainment industry clients and counsel should expect and suggestions for handling the results. .75 hr

Henry W. "Hank" Jones, III, *Austin*  
Law Office of Henry W. Jones, III  
Intersect Technology Consulting

### 11:30 Lunch on your own

## THEATER

**1:00 Raising Money and Producing Theatre Way Off Broadway.** Legal and business issues facing indepen-

dent producers and theatres in Texas; working with union contracts; music licensing; choice of entity. 1 hr

*Moderator*  
David Simon Sokolow, *Austin*  
Professor, School of Law  
The University of Texas at Austin

Ev Lunning, Jr., *Austin*  
Artistic Director, Mary Moody  
Northen Theatre  
St. Edwards University

Lisa Byrd, *Austin*  
Executive Director, ProArts Collective

## MOTION PICTURES

**2:00 Movie Money.** Learn how to develop a money raising business plan; author of *Filmmakers and Financing: Business Plans for Independents* talks about developing strategies and guiding entrepreneurs in looking for and working with equity financing. .75 hr / .25 ethics

Louise Levison, *Sherman Oaks, CA*  
President, Business Strategies

### 2:45 Break

**3:00 How to Make a Killing with an Independent Film.** A case study of the Texas Chainsaw Massacre. Famous movie critic, Joe Bob Briggs, and the attorneys responsible for the recovery and financial success of the film talk about the business and legal history of this classic film industry horror story. 1 hr / .25 ethics

John "Joe Bob Briggs" Bloom,  
*New York, NY*  
Writer

Charles O. "Chuck" Grigson, *Austin*  
Law Offices of Charles O. Grigson

Robert J. Kuhn, *Austin*  
Kuhn, Doyle, & Kuhn

### 4:00 Adjourn

# FACULTY



**M. William Krasilovsky**, recipient of the Entertainment & Sports Law Section 2005 Texas Star Award for Outstanding Contribution and Achievement in the field of Entertainment Law, will speak at lunch Friday on Family Law & Copyrights and again at 2:00 on Estate Planning for Copyright Owners.

M. William Krasilovsky is co-author of the books, "THIS BUSINESS OF MUSIC" and "MORE ABOUT THIS BUSINESS OF MUSIC," published by Billboard, the leading trade paper of the music industry. Both books have been recognized as leading reference texts by the American Library Association and ASCAP, as well as being sometimes referred to as the "bible" of the music business by working musicians and others involved in the industry.

Mr. Krasilovsky is an attorney specializing in music and entertainment matters. In addition to the estates of Lorenz Hart, Rachmaninoff, Duke Ellington, Buddy De Sylva, Ray Henderson and Fats Waller, he also represents or has represented classic industry figures such as Johnny Cash, Crystal Gale, Chuck Berry, Mary Wilson of The Supremes, Billy Taylor, Gian Carlo Menotti, Harry Connick, Jr., Barry Eastmond and Dick Hyman as well as numerous other composers, publishers, recording artists, producers, studios and record companies.

**MIKE TOLLESON**, Program Chair, has a long standing practice in the music, motion picture, television and digital media industries. He represents individuals and companies in connection with their entertainment industry legal and 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. For more information see [miketolleson.com](http://miketolleson.com).

**JOHN BLOOM**, journalist, actor, satirist, author and television personality, best known as his alter ego **JOE BOB BRIGGS**, intellectual redneck. John has won and been nominated for many literary awards including his third Na-

tional magazine Award nomination in 2005 for "They Came, They Sawed", a 30-year history of "The Texas Chainsaw Massacre."

**STEVEN AMES BROWN** specializes in enforcing the rights of performers and authors in the areas of music, film, rights of publicity, unfair competition and royalty collection. His client roster has included the estates of Fred Astaire, Judy Garland and Orson Welles, and actors and pop stars from the 50's and 60's. He is a frequent speaker and writer on the subject of royalty collections.

**SUSAN BUTLER** is the legal and music publishing editor for *Billboard* magazine and editor of the magazine's online newsletter *Entertainment Law Weekly*.

She also serves on the board of governors for The Recording Academy (the Grammy organization), New York Chapter. Prior to joining *Billboard* in August 2004, Butler practiced law in New York and California for 21 years, representing clients throughout the world in the entertainment and technology fields.

**LISA BYRD** is Executive Director of ProArts Collective, Austin's primary producer of African American theatre. ProArts hosts the annual African American Festival of Dance as well as other exhibits and events. It also offers technical and professional assistance to artists and smaller arts organizations. She has a masters degree in theatre history from Texas State University, and a masters certificate in audio engineering. Until recently she was production director for Ballet Austin.

**CHRIS CASTLE** is an LA-based attorney representing artists, record producers, major and independent record labels, music publishers, and music industry executives and technology companies.

**PETER GORDON** has more than 25 years experience providing marketing and programming innovations to the entertainment industry. In his role as CEO/President of both Thirsty Ear Communications, Inc. and Thirsty Ear Recordings, Inc., Peter has guided Thirsty Ear through co-ventures with three of the current four major music companies, and has forged new multi-media alliances with the leading companies of the broadcast and cable industries. Gordon is a founding board Member of the American Association of Independent Music (AAIM) and a Corporate Officer of the Organization.

**CHUCK GRIGSON** has been practicing law in Austin, Texas for over 30 years. He serendipitously became involved in entertainment law in April 1981 when he was appointed by a former employer, United States District Judge Jack Roberts, to be the Trustee for the Owners of "The Texas Chainsaw Massacre", at a time when the owners were battling among themselves after reclaiming rights to the film from persons of questionable character in New York.

**RANDAL JOHNSTON**, in addition to being a published poet, aspiring songwriter, passionate guitar player, and founding member of Blue Collar Crime, a Texas blues brotherhood composed of four lawyers and a guitar legend (who needs four lawyers), Randal has been recognized by *D Magazine* as one of the "Best Lawyers in Dallas" and *Texas Monthly* as a "Texas Super Lawyer." His practice is limited to litigation, specializing in professional liability and he is a frequent speaker on the subjects of ethics and malpractice.

**HANK JONES, aka Memphis Hank**, formerly with the firms of Arnold White & Durkee, and Fulbright & Jaworski, Hank specializes in the emerging legal issues resulting from the convergence of copyrightable content with new technology-based media. He is a frequent speaker on e-commerce, web publishing, open source strategies and the Internet.

**PAULA KATZ** is a 1987 graduate of New York University School of Law. She spent three years in private practice and joined ASCAP in 1990 as a staff attorney. In 1995, the Estates and Claims Department was formed to deal with ASCAP's members' legal issues with Ms. Katz as Director. She currently holds the position of Assistant Vice President of Legal Affairs.

**BOB KUHN**, after serving as Travis County Justice of the Peace in the late 60's, founded the firm of Kuhn, Doyle and Kuhn, which focuses on injury and death claims, elder law and criminal defense. Bob specializes in elder law, guardianship litigation, estate planning, will contests, and protection of nursing home residents. He has completed more than 30 marathons and several Ironman triathlons. In 1973, Bob became one of the first investors in and attorney for the original production of "The Texas Chainsaw Massacre."

**LOUISE LEVISON** is president and founder of Business Strategies, a consulting firm, which specializes in writing business plans for film, internet and other entertainment related companies, developing corporate strategies and guiding entrepreneurs in looking for and working with equity financing. She is author of "Filmmakers and Financing: Business Plans for Independents."

**EV LUNNING, JR.** has been an actor, a teacher, and an administrator at St. Edward's University in Austin, Texas, since 1990. He served as Theatre

Business Manager from 1992 until 1997. Currently, he serves as Artistic Director.

**PURVI J. PATEL** was voted a 2004 Texas "Superlawyer" and "Rising Star" and concentrates her practice with Haynes & Boone in the areas of counseling on the procurement, protection, enforcement and management of domestic and international trademark portfolios and in cases of domain name disputes, advertising clearance and false advertising issues, and the registration and enforcement of copyrights.

**LON SOBEL** is Editor of Entertainment Law Reporter and professor and director of UK Summer Abroad Program of Southwestern University School of Law.

**PROFESSOR DAVID SOKOLOW** teaches in the areas of contracts, corporations, and entertainment and art law at the University of Texas School of Law. Sokolow, a two-time winner of the Texas Exes Teaching Excellence Award, clerked for the Honorable Thomas Gibbs Gee of the US Fifth Circuit Court of Appeals, and worked for Paul, Weiss, Rifkind, Wharton & Garrison in New York before joining the Texas faculty in 1981.

**STAN SOOCHER** is Associate Professor, in the Department of Music & Entertainment Industry Studies at the University of Colorado at Denver. He is also an entertainment attorney and the long-time editor-in-chief of Entertainment Law & Finance. In addition, Stan is an award-winning journalist and author of the critically acclaimed book "They Fought the Law: Rock Music Goes to Court" ([www.theyfoughtthetelaw.com](http://www.theyfoughtthetelaw.com)).

**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.

# COURSE INFORMATION

## Register Early and Save \$20

by registering no later than two weeks before the 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 program 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 plan to attend, you save \$25. Register early and save a total of \$45! See registration form for details. 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.

## Qualifying Judges

May attend complimentary, 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 non-transferable privilege does not extend to receivers, trustees, court staff, or persons serving part-time in any judicial capacity.

## 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.

## 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 (see Registration Form)

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 CD; 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 x2097.

## Parking at the Omni Austin Hotel Downtown

Valet and self-parking in secured, underground garage (fee). Airport shuttle service available through Super Shuttle (fee). Call 512-258-3826

## 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 Course.

## Omni Austin Hotel Downtown

700 San Jacinto  
512-476-3700  
\$129 for a single or a double  
Deadline: September 29, 2005\*

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

## Planning Committee

Mike Tolleson, Chair	Austin
Yocel Alonso	Houston
J. Craig Barker	Austin
Tamera Joy Hall Bennett	Lewisville
Robert R. Carter Jr.	Austin
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J. Edwin Martin	Dallas
Kenneth William Pajak	Austin
Russ Riddle	Murphy
Stan Soocher	Denver, CO
Steve Winogradsky	N. Hollywood, CA

## Entertainment and Sports Law Section of the State Bar of Texas

Tamera Bennett	Chair
Kenneth W. Pajak	Chair Elect/Treasurer
J. Craig Barker	Secretary
Yocel Alonso	Immediate Past Chair

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Adriana Resendez	Program Attorney
Kandi Botello	Program Coordinator



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State Bar of Texas - CLE  
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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 21-22, 2005**
- SUBTRACT \$20** if registering on or before October 7, 2005.  
(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- licensed two years or less.
- No charge** for Qualifying Judge

**My registration fee after all calculations: \$** \_\_\_\_\_

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#### I can't attend. Just send course materials.\*

- |  |             |                 |
|--|-------------|-----------------|
| <input type="checkbox"/> Course Book               | \$145 each† | Quantity: _____ |
| <input type="checkbox"/> Set of MP3 speeches on CD | \$150 sett† | Quantity: _____ |
| <input type="checkbox"/> Set of course audio CDs   | \$150 sett† | Quantity: _____ |

#### QUESTIONS?

800-204-2222, x1574  
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### 3 I am paying by:

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- Visa       MasterCard       AMEX       Discover

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Name on card (Please print) \_\_\_\_\_

Signature \_\_\_\_\_

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.)

\*Online versions (PDFs) of course materials will be available 4-6 weeks after the course. Check the Online Library at TexasBarCLE.com.  
†Plus \$15 postage/handling per order for books (\$5 per order for audio CDs) and 7.25% tax (8.25% for Austin address) on total. Book orders and audio CD orders are shipped separately and filled approximately 4 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."

# 12<sup>th</sup> Anniversary Austin Film Festival 2005

**D**on't miss the 12<sup>th</sup> anniversary of the Austin Film Festival, October 20-27, in Austin, Texas! Focusing on the art and commerce of film and television writing and production, this year's Conference will feature several panelists nominated for Academy Awards®, including: Paul Haggis, screenwriter of Million Dollar Baby, Terry George, director and co-writer, with Keir Pearson, of Hotel Rwanda, and James L. White, who wrote Ray.

Comedy is a large component of this year's Festival and there will be a wide variety of comedy panels, speakers and films highlighting the impact of comedy in film and television. Comedy panelists include 2005 Distinguished Screenwriter Award recipient Harold Ramis (National Lampoon's Vacation, Ghostbusters); Judd Apatow (Freaks & Geeks); Buck Henry (The Graduate); "King of the Hill" team of Jim Dauterive, John Altschuler and Dave Krinsky; Jessica Bendinger (Sex & The City); Anne Rapp (Dr. T. & the Women), and more.

In addition to the panels, 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, development executives who come in annually.

For over a decade, the AFF has been committed to bringing the biggest and brightest names in entertainment to Austin. In 2005, 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](http://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

**\*\* exclusively 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 Greets
- Film Screenings for all 8 nights
- WGA,e Mixer
- Conference Closing Wrap Party

### **All-Access Producers Pass\* \$550 (regular price = \$650)**

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

- Opening Night Premier Party
- Texas Commission 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 2005 TexasBarCLE Entertainment Law Institute.



## **State Bar of Texas**

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