

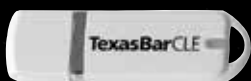
Entertainment Law Institute



September 26-27, 2013
DoubleTree by Hilton

Topic Highlights

- Let's Make A Deal: Music Business Deals Every Music Lawyer Must Know
- Recent Court Decisions Affecting Entertainment Law
- Contracting with Minors in Texas
- Financing Your Film (or Entertainment) Project
- The Anatomy of a Music Publishing Catalog Sale



Course materials
available on a USB drive



MCLE CREDIT | 13 HOURS (1.5 ETHICS)

Entertainment Law Institute

LIVE Austin

September 26-27, 2013

DoubleTree by Hilton

Register by September 12, 2013
and **save \$50!**

Entertainment and Sports Law
Section members can **save \$75!**

Attorneys licensed 5 years or less
can attend for **half off!**



#TBCLEli

Thursday

6.75 hours including .5 ethics

8:00 **Registration**
Coffee & Pastries Provided

8:40 **Welcoming Remarks**
Course Director
Mike Tolleson, *Austin*
Mike Tolleson & Associates

Entertainment Law 101

8:45 **Coffee and Copyrights: An Entertainment Lawyer's Building Blocks** .67 hr
A brief overview of copyright terms and concepts that are encountered in most transactions involving creative content acquisition and licensing. Best enjoyed with your morning cup o' joe.
Deena B. Kalai, *Austin*
Deena Kalai, PLLC

Amy E. Mitchell, *Austin*
Amy E. Mitchell, PLLC

9:25 **Let's Make A Deal: Music Business Deals Every Music Lawyer Must Know** .67 hr
Knowing your music business client's property rights is essential to protecting your client and maximizing revenue. This presentation will identify these rights and explore how each integrates with the modern-day deals facing music lawyers.
Kenneth W. Pajak, *Austin*
Pajak Law, PLLC

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

10:05 **Audio-Visual Industry Transactions** .67 hr
An attorneys introduction into the Television and Film Industry with a review of the general forms and documents regarding Film and Television Production, Option Agreements - Literary Property into Film, Financing Memorandums, Actors Television Engagement Contracts, Location Agreement between an Owner of Premises and Production Company, and more.
Ricky Anderson, *Houston*
Anderson & Smith

10:45 **Break**

11:00 **Recent Court Decisions Affecting the Entertainment Industry** 1 hr
This presentation will examine the impact of significant, new court rulings on legal practice in music, film, digital media and related industry segments.
Stan Soocher, Esq., *Denver, CO*
Editor-in-Chief, "Entertainment Law & Finance" and Associate Professor, Music & Entertainment Industry Studies
University of Colorado Denver

12:00 **Break – Lunch Provided**

12:20 **Texas Star Award Presentation**

12:35 **Luncheon Presentation: Building A Reality TV Project** .75 hr
Deena B. Kalai, *Austin*
Deena Kalai, PLLC

1:20 **Break**

1:30 **Contracting with Minors in Texas** 1 hr (.25 ethics)
With the ever increasing focus on youth in entertainment and professional sports what steps need to be taken to secure a binding non-voidable agreement? This panel will discuss the topic in general as well as provide guidance under California, New York and Texas law.
Hon. Guy S. Herman, *Austin*
Judge, Travis County Probate Court No. 1

Lawrence A. Waks, *Austin*
Jackson Walker

2:30 **Networking Break and Refreshments Sponsored by**



3:00 **Music Distribution in a Digital World** 1 hr
The methods of digital distribution of music and the collection of royalties are constantly changing. Our speakers will discuss the calculation of streaming royalties, mechanical royalties and public performance royalties. In addition, they will discuss how and why some of the major publishers are pulling their rights from the performing rights societies, the NMPA deal with YouTube for blanket synchronization fees and other current business practices.
Cindy Charles, *New York, NY*
Cindy Charles Consulting

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

4:00 **The New Top 10 – New Record Deal Negotiation Points from the Artist's Perspective** 1 hr (.25 ethics)
The scope of recording agreements has changed substantially with the advent of digital sales and streaming, along with the all-encompassing 360 deal. How have these changes also changed the face of artist/recording company negotiations? What are the key negotiation points which artists' counsel should raise in these new deals to best serve their clients?
Edward Z. Fair, *West Lake Hills*
Law Offices of Edward Z. Fair

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

5:00 **Adjourn**

Friday

6.25 hours including 1 ethics

8:00 **Coffee & Pastries Provided**

8:25 **Announcements**

8:30 **Ethics and Entertainment Law: It's not an Oxymoron!** 1 hr ethics
Claude E. Ducloux, *Austin*
Hill Ducloux Carnes & de la Garza

9:30 **The Art of Litigating Entertainment Cases** 1 hr
This panel will focus on hot-button issues lawyers may face in entertainment industry litigations,

from drafting complaints to proceeding through discovery, trial and post-judgment stages.

Moderator

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

D'Lesli M. Davis, *Dallas*
Fulbright & Jaworski

Lawrence A. Waks, *Austin*
Jackson Walker

10:30 Break

10:45 Financing Your Film (or Entertainment) Project 1 hr

Discussing the most recent developments in investor financing of independent film, including SEC rules relating to investment crowd funding as authorized by the JOBS Act and the new Reg. D., Rule 506(c) provision which authorizes accredited investor only offerings without the former pre-existing relationship requirement. Also, as part of the discussion will be the Sec. 181 federal tax incentives for certain film and TV shows, along with the three forms of documentation with which to approach film financiers.

Chris Adams, *Austin*
Maxwell Locke and Ritter

John Cones, *Austin*
Law Office of John Cones

11:45 Trademark Basics 101 .5 hr

A rapid-fire overview of selecting a strong and protectable trademark along with basics for preparing and filing a federal trademark application.
Tamera H. Bennett, *Lewisville*
Bennett Law Office

12:15 Lunch on Your Own

1:30 Producer Deals: A New Twist 1 hr

More record company/artist deals are providing for net profits rather than royalty payments to artists. This change has significantly impacted the backend revenue structure of producer deals. Attorneys for artists and producers continue to search for a workable resolution. This panel will discuss the pros and cons of the alternative arrangements for backend producer payments. The panel will also discuss how certain provisions in rap/hip-hop producer deals may differ from other producer deals.

Edward Z. Fair, *West Lake Hills*
Law Offices of Edward Z. Fair

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

2:30 Film Production Case Study .75 hr

The manner in which a talent agreement is negotiated is an art form in and of itself. There are protocols and procedures to be followed, terms of art and shorthand abbreviations that can seem like hieroglyphics to the

uninitiated. The panel will take an actor agreement, mark it up, negotiate it and unlock these mysteries.

Hillary Bibicoff, *Malibu, CA*
Holmes Weinberg

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

3:15 The Anatomy of a Publishing Catalog Sale 1 hr

This panel will approach the mechanics of the sale of a music publishing catalog from the preparation of the proper marketing materials, to the effective management of the diligence process, to issues affecting valuation, through the key points of negotiation in the sale agreement through the closing.

Jeffrey S. Sacharow, *Santa Monica, CA*
Lapidus, Root & Sacharow

Alfred Staehely, Jr., *Houston*
Law Office of Al Staehely

Kirsten Wilson, *Denver, CO*
The W Group

4:15 Adjourn

MCLE CREDIT

13 HOURS (1.5 ETHICS)
MCLE COURSE NO: 901269392
Applies to the College of the State Bar of Texas.



2013 Texas Star Award Recipient Cindi Lazzari

Cindi Lazzari was an Austin based entertainment attorney who during her career established a unique reputation as a fighter for artists' rights. When an Austin-based record label filed for bankruptcy in 1998, she fought hard to return the master recordings to a number of well known bands for very little compensation. In 2005, she guided new state legislation that expanded the definition of "artists" to include musicians, thus giving them protection for their masters and consignment record product that would otherwise be caught up in label and distributor bankruptcy proceedings. Her passion for helping musicians inspired the creation by the Entertainment and

Sports Law Section of the Cindi Lazzari Artist Advocate Award in 2007, which is given each year to a Texan who has been a strong advocate for the rights of musicians. Cindi received her law degree from South Texas College of Law and was admitted to the Texas bar in 1982. From 1984 to 1988, she was an attorney with Clark, Thomas, Winters & Newton. From 1990 to 1993 she was an attorney with Ford & Farraro, LLP. She was with the Law Office of Hubert Bell from 1990 to 1997 and was a sole practitioner from 1997 until her death in 2007 after a nine-year battle with cancer.

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



Broadcast Music, Inc., a global leader in rights management, collects license fees from businesses that use music, which it distributes as royalties to songwriters, composers & music publishers.

Ways to Save on This Course!

Register by the September 12, 2013 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 \$75

by registering no later than September 12, 2013 (thereafter, save \$25); see the registration form. Not a member? To join, contact the State Bar's Sections Coordinator, Bre Binder, at 800-204-2222, x1419. Please do not send Section membership payment with your registration fee.

Earn Discounts by Registering Five or More

from your firm or agency. Contact Firm & Group Sales Manager Laura Angle of TexasBarSolutions at 512-250-5575 or laura.angle@texasbar.com.

HALF OFF the Course for Attorneys Licensed 5 Years or Less!

You read that right! See the registration form.

Active State and Texas-Area Federal Judges, Administrative Law Judges, Hearing Examiners, and Their Court 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 the judicial retirement system and (3) space is available for all paying registrants. This privilege does not extend to receivers, trustees, other court staff, or persons serving part-time in a judicial capacity. Actual attendance is required in order to receive course materials.

Parking Information

is subject to change without notice and is not a guarantee of available space. Self-parking at the DoubleTree by Hilton is complimentary.

If You Need Special Accommodations to Attend,

please contact us as soon as possible at 800-204-2222, x1748.

Registered But Can't Attend? Still Earn MCLE Credit

and receive course materials by taking the course online later, in which case you'll automatically be sent the course materials; see "FREE TO OUR REGISTRANTS!" below. If you wish a refund instead, mail or fax (512-427-4443) your request so that we receive it at least one business day before the program.

FREE TO OUR REGISTRANTS!

Online Videos and MP3s of the Topics, as Well as PDFs of Course Materials, will be available to registrants 6-8 weeks after the course. Provide your e-mail address when preregistering to be notified when and how these benefits may be accessed. (Note: Presentation lengths may vary from that which was advertised.) There's no extra charge; as a registrant, you're already entitled!

Interested in Sponsoring or Exhibiting at This Course or Others?

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

Tweet About This Course! Include hashtag #TBCLEeli

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.

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 15.25 hours.

Reserve Your Hotel Room by September 4

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 this State Bar of Texas course.

AUSTIN Live

DoubleTree by Hilton

6505 N. IH 35

Austin, TX 78752

(512) 454-3737

\$129 single/double

Deadline: September 4



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

Course Director

Mike Tolleson.....Austin

Planning Committee

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J. Craig Barker.....Austin
Tamera H. Bennett.....Lewisville
John K. Boyce III.....San Antonio
Edward Z. Fair.....West Lake
Shannon Jamison.....Heath
Deena B. Kalai.....Austin
Buck McKinney.....Austin
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Prof. Stan Soocher, Esq.....Denver, CO
Alfred Staehely, Jr.....Houston
Lawrence A. Waks.....Austin
Steven Winogradsky.....Studio City, CA

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Registering five or more?

E-mail Laura Angle at
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Lawyers licensed 5 years or
less take **HALF OFF!**

Entertainment Law Institute

1

Austin LIVE, September 26-27

[8095]

- ☐ **Regular Registrant** **\$495**
Take \$50 OFF: Register by **September 12, 2013**
- ☐ **Licensed 5 years or less, HALF OFF** **\$247.50**
No discounts in section 3 may be taken.

Course Amenities

- Coffee and pastries provided each morning
- Special luncheon and networking break on Thursday
- Complimentary internet signal in the meeting room
- Complimentary parking
- Course materials are available on a convenient USB drive

I may attend complimentary because I am:

- ☐ a qualifying judge or ☐ court staff attorney (see p. 4).

2

I want my course materials format to be:

- ☐ Electronic materials (PDFs on a USB drive)
☐ Hard-copy materials (1 notebook)
☐ BOTH so I'll **ADD \$80**

3

I'm entitled to 1 or 2 discounts on the course:

- ☐ **\$50 OFF** because I'm registering by September 12, 2013. (If by mail, date of postmark will be determinative.)
- \$25 OFF** because (choose 1 box only) I'm a member of the
- ☐ Entertainment and Sports Law Section
☐ State Bar College
☐ Paralegal Division

4

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

FREE Shipping & Handling

Course ☐ Book ☐ USB drive \$155 each[†]

For information on audio CDs of course topics, contact our DVD CLE service at 800-204-2222, x1575. MP3 files of the topics will be downloadable from TexasBarCLE.com 6-8 weeks after the course.

5

My total is \$_____. I am paying by:

- ☐ Check (enclosed) payable to the State Bar of Texas for \$_____
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A confirmation of your registration will be sent to the e-mail address you provide.

****PDFs of course materials will be available for purchase by the date of the course in the Online Library at TexasBarCLE.com. Registrants receive access to the PDFs at no additional charge (see "Free to Our Registrants" on p. 4).**

[†]Plus 8.25% sales tax on total. Please include sales tax or attach an exemption certificate. Book and USB orders are shipped separately and filled 4-6 weeks after the live program. A bill will be sent unless a credit card charge is authorized on this form.

QUESTIONS?

800-204-2222, x1574 • 512-427-1574

State Bar of Texas
P.O. Box 12487
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23rd Annual Entertainment Law Institute
LIVE September 26-27, 2013 Austin

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AUSTIN, TEXAS

Join the **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.

Twice a year, the section publishes the Texas Entertainment and Sports Law Journal which contains a report from the Chair on current Section activities. It also contains concise summaries, with commentary by the editor, on recent Texas state and federal court decisions involving significant entertainment and sports law issues.

The Section sponsors the annual Entertainment Law Institute (ELI), our continuing legal education program which brings together the top practitioners from Texas and around the country, and hosts networking events such as our annual SXSW Mixer.

Membership in the Section is from June 1 to May 31. To join, go to TexasBar.com and login to MyBarPage. There you will see "My Sections" and a chance to click on "Purchase Sections." Check "Entertainment & Sports Law" and pay the \$30 annual fee with a credit card. Or complete the information below and forward it with a check in the amount of \$30.00 (made payable to ENTERTAINMENT & SPORTS LAW SECTION) to Sandra Carlson, P.O. Box 12487, Capitol Station, Austin, TX 78711.



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