



TexasBarCLE

20th Annual  
**Entertainment Law**  
Institute

**LIVE** **Austin** October 7-8, 2010 Radisson Hotel & Suites



ZZ TOP's *Tejas* album art, created by Bill Narum.  
Used courtesy of Warner Brothers Records, ZZ TOP, Bill Ham and Lone Wolf Productions

# Entertainment Law Institute

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

**LIVE Austin** | October 7-8, 2010 | Radisson Hotel & Suites

Register by September 23 and **save \$50!** Entertainment and Sports Law Section members can **save \$75!**

## Thursday

7.25 hours including 1 hour ethics

7:45 **Registration and Continental Breakfast**

8:15 **Welcoming Remarks**  
**Course Director**  
Mike Tolleson, *Austin*  
Mike Tolleson & Associates

8:30 **Recent Court Cases**  
*1 hr (.25 ethics)*  
Stan Soocher, Esq., *Denver, CO*  
Editor-in-Chief, "Entertainment Law & Finance" and  
Associate Professor, Music &  
Entertainment Industry Studies  
University of Colorado Denver

9:30 **State of the Texas Film and Music Industry** *.5 hr*  
Casey Monahan, *Austin*  
Texas Music Office  
  
Bob Hudgins, *Austin*  
Texas Film Commission

10:00 **Practicing Law and Wellness: Modern Strategies for Lawyers Dealing With Anxiety, Addiction and Depression** *.5 hr ethics*  
Speaker to be Announced

10:30 **Break**

10:45 **Navigating the DMCA Safe Harbors: Lessons from *Viacom v. Google* and Other Cases** *.75 hr*  
Buck McKinney, *Austin*  
Attorney at Law  
  
Corynne McSherry, *San Francisco, CA*  
Electronic Frontier Foundation

11:30 **Digital Media: Technological Innovation v. the Copyright Law** *.5 hr*  
Allen Bargfrede, Esq., *Boston, MA*  
Assistant Professor,  
Berklee College of Music  
Author, "Music Law in the Digital Age"

12:00 **Break - Lunch Served**

12:15 **Texas Star Award Presentation**

12:30 **Lunch Presentation: Entertainment Law in Texas: How We Got Here - Where We're Going** *.5 hr*  
Mike Tolleson, *Austin*  
Mike Tolleson & Associates

1:00 **Break**

1:15 **Sound Exchange: Collecting Performance Royalties for Sound Recordings - Did You Get Yours?** *.5 hr*  
John Simson, *Washington, DC*  
Executive Director  
Sound Exchange

1:45 **Protecting an Artist's Legacy Through Estate Planning, Probate and Post-Death Administration of an Artist's Rights** *.75 hr (.25 ethics)*  
Tamera H. Bennett, *Lewisville*  
Bennett Law Office  
  
Ken Pajak, *Austin*  
The Bannerot Law Firm

2:30 **U.S. Performing Rights Organizations: Inside the PROs - What They Do & How They Do It** *.5 hr*  
Steven Winogradsky, *Studio City, CA*  
Winogradsky/Sobel

3:00 **Break**

3:15 **U.S. Copyright Office: Registration Issues for Music and Film Attorneys** *.5 hr*  
Marybeth Peters, *Washington, DC*  
U.S. Copyright Office

3:45 **Share or Share-Alike: Creative Commons v. Copyright** *.5 hr*  
Erin Rodgers, *Houston*  
Law Office of Al Staehely  
Texas Accountants and Lawyers for the Arts

4:15 **Exploitation of Rights in Europe: How are They Different, How Do You Get Paid?** *.75 hr*  
Robin Bynoe, *London, UK*  
Charles Russell

5:00 **Adjourn**

## Friday

6.75 hours including 1 hour ethics

8:00 **Continental Breakfast**

8:20 **Announcements**

8:30 **Representing Musicians: Review of Selected Issues Encountered in Negotiating Management, Financing, Producer and Recording Agreements** *1 hr*  
**Moderator**  
Mike Tolleson, *Austin*  
Mike Tolleson & Associates  
  
Seth Lichtenstein, *Beverly Hills, CA*  
Goldring, Hertz & Lichtenstein  
  
Al Staehely, *Houston*  
Law Office of Al Staehely  
  
Joseph Stallone, *Austin*  
Oaks, Hartline & Daly

### MCLE CREDIT

**14 HOURS (2 ETHICS)**  
**MCLE COURSE NO: 901204124**

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 16.75 hours.



**9:30 Be Careful What You Tweet: Social Networking Legal Issues**

*.75 hr (.5 ethics)*  
Tamera H. Bennett, *Lewisville*  
Bennett Law Office

**10:15 Break**

**10:30 Ethics: Who's Your Lawyer? Multi-Party Representation and Conflict Waivers**

*.5 hr ethics*  
John P. 'Jack' Sahl, *Richfield, OH*  
Professor of Law  
University of Akron

**11:00 Indie Label Distribution Agreements: The Key Deal Points**

*.75 hr*  
Edward Z. Fair, *Austin*  
Law Offices of Ed Fair

Seth Lichtenstein, *Beverly Hills, CA*  
Goldring, Hertz & Lichtenstein

**11:45 RIAA - Signs, Seals and Delivery**

*.5 hr*  
Carlos Linares, *Washington, DC*  
Recording Industry Association of America

**12:15 Lunch on Your Own**

**1:30 Navigating Music Rights with the HFA** *.5 hr*  
Michael Simon, *New York, NY*  
Senior Vice President of Business Affairs, General Counsel and Chief Strategic Officer  
Harry Fox Agency

**2:00 Music Clearance and Licensing for Low Budget Films** *.5 hr*  
Steven Winogradsky, *Studio City, CA*  
Winogradsky/Sobel

**2:30 Is it Fair Use? Assessing Licensing Issues in Film and Audiovisual Works**

*.5 hr*  
Deena B. Kalai, *Austin*  
Deena Kalai, PLLC

**3:00 Break**

**3:15 Film Distribution for the Independent Producer: Strategies and Negotiations**

*.5 hr*  
Sally Helppie, *Dallas*  
Tipton Jones  
President, Advocate Pictures, LLC

**3:45 Securing Your Band and Label Name: Application Prosecution Review by U.S. Trademark Office Examiner**

*.5 hr*  
Michael W. Baird, *Alexandria, VA*  
Managing Attorney  
U.S. Trademark Office

**4:15 Right of Publicity In Texas and Beyond or "Why Can't I Use the President to Sell Jackets"**

*.75 hr*  
Keith D. Jaasma, *Houston*  
Patterson & Sheridan

**5:00 Adjourn**

**ABOUT THE COVER ARTIST**



**Bill Narum** (1947-2009) exemplified the fusion of art, technology, and music, providing graphics, videos, and websites for many performers and venues including ZZ TOP, Bill Monroe, Captain Beefheart, Ravi Shankar, Humble Pie, Doug Sahm, Nanci Griffith, Stevie Ray Vaughan, the Armadillo World Headquarters, the Continental Club and Threadgills Restaurant. He was also a founder and President of the South Austin Museum of Popular Culture.

## 2010 TEXAS STAR AWARD RECIPIENT



**MIKE TOLLESON** has been the Director of the Entertainment Law Institute since its inception in 1990 and was a cofounder and initial Chair of the Entertainment and Sports Law Section of the State Bar in 1989.

A graduate of the SMU Dedman School of Law, he has worked for over forty years as an entertainment attorney, concert producer, film producer and officer in various industry organizations. The overriding goal of his work has been to develop the film and music industry in Texas, allowing homegrown talent to remain and flourish in his native state.

He was a cofounder of the legendary Austin concert venue, Armadillo World Headquarters (1970-1980); cofounder of the Austin public access channel (ACTV); and co-producer of the first Willie Nelson 4th of July Picnic in 1973. In 1973, as a consultant to KLRU-TV, he brought Willie Nelson and KLRU together for the pilot episode and was the talent advisor for the first season of Austin City Limits, now the longest running music program on television.

President of the state-wide Texas Music Association from 1983-1985, he was appointed in 1985 by Governor Mark White to the newly formed Texas Music Commission. He established the Texas Stand at the International Music Market (MIDEM) in Cannes, France, 1985, and has served as a Governor of the Texas Chapter of the Recording Academy.

His clients consist of individuals and companies from all aspects of the entertainment industry.

Ways to Save on This Course!

Register by September 23 and Save \$50

because early registrations help us ensure that sufficient course books, seating, and refreshments are available. No confirmation will be sent. Course materials and seating will be reserved for pre-registrants until the start of the first topic.

Entertainment and Sports Law Section Members Can Save up to \$75

by registering no later than September 23 for the course (thereafter, save \$25); see the registration form. Not a member? To join, email sections@texasbar.com or phone 800-204-2222, x1425. 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.

State Bar Policy §7.03.06 Allows Active State and Texas-Area Federal Judges to Attend for Free

provided (1) the course is directly related to their tribunal's jurisdiction, (2) they are full-time judges or judges retired under the Texas Judicial Retirement System and (3) space is available for all paying registrants. This privilege does not extend to receivers, trustees, court staff, or persons serving part-time in any judicial capacity. NOTE: Judges must actually attend to receive course materials.

Parking Information

is subject to change without notice and is not a guarantee of available space. Self-parking is at a discounted rate of \$5 per day in the Radisson parking garage for daily or overnight guests.

If You Need Special Accommodations to Attend,

please contact us as soon as possible at 800-204-2222, x1797.

Registered But Can't Attend? Still Earn Participatory Credit

by taking the course online later, in which case you'll automatically be sent the course materials; see "FREE TO OUR REGISTRANTS!" below. However, if you wish a refund instead, mail or fax (512-427-4111) 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 us your email address when registering and we'll alert you when these benefits are available and how to access them. (Note: Presentation lengths may vary from that which was advertised.) There's no extra charge; as a registrant, you're already entitled!

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.

Reserve Your Austin Hotel Room Now!\*

The number of rooms at the group rate is limited and available on a first-come, first-serve basis. Inform the Radisson that you will be attending this State Bar of Texas course.

AUSTIN Live Radisson Hotel & Suites

111 E. Cesar Chavez Street Austin, TX 78701

512-478-9611

800-395-7046 (Reservations)

\$152 for a single/double

Deadline: September 15\*



\* Because the Austin City Limits Music Festival begins on October 8, this special room block could fill in advance of the September 15 deadline. Don't delay, reserve your room now!

Parking at the Radisson:

Self-parking is at a discounted rate of \$5 per day in the parking garage.

Ground Transportation:

- Taxi: Approximately \$20-\$27
Airport Super Shuttle (512-258-3826): \$13; Available 24 hours a day. From the airport to the hotel, guests can board shuttle without reservations; from the hotel to the airport, concierge must arrange for pickup.

Driving Directions from Austin Bergstrom International Airport (8 Miles):

Exit airport on Presidential Boulevard. Turn left onto TX-71. Turn right onto E. Riverside Drive. Turn right onto Congress Avenue. Turn right on Cesar Chavez. Hotel is on the right.

Course Director

Mike Tolleson.....Austin

Planning Committee

- J. Craig Barker .....Austin
Tamera H. Bennett ..... Lewisville
D'Lesli M. Davis ..... Dallas
Edward Z. Fair.....Austin
Buck McKinney.....Austin
Amy E. Mitchell.....Austin
Kenneth W. Pajak .....Austin
Stan Soocher ..... Denver, CO
Steve Winogradsky ..... Studio City, CA

TexasBarCLE Planning Team

- Montgomery Miller.....Sr. Program Attorney
Kandi Botello..... Program Coordinator

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- Don Valdez .....Chair
Mitzi L. Brown .....Chair Elect/Treasurer
Shannon Jamison..... Secretary
Craig Crafton ..... Treasurer
D'Lesli M. Davis ..... Immediate Past Chair

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**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

**Registering  
five or more?**

Email Laura Angle at  
laura.angle@texasbar.com  
for group discount  
information.

Save up to **\$75!**

**Entertainment Law Institute**

8095

**1** **LIVE Austin, October 7-8** ..... \$445  
**Take \$50 OFF:** Register by **September 23, 2010**

**Your registration includes:**

- Breakfast both days
- Special luncheon on Thursday
- Complimentary wireless signal and convenient access to power in the meeting room

**I want my course materials format to be:**

- Electronic (PDFs on a USB drive)
- Hardcopy
- 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 23, 2010**. (If by mail, date of postmark will be determinative.)
  - \$25 OFF** because I'm a member of the Entertainment and Sports Law Section, the State Bar College, or the Legal Administrators or Paralegal Division -OR- I am licensed 2 years or less.
- \$ \_\_\_\_\_ is my total for course(s) and materials.**
- As a judge, I AFFIRM I qualify under §7.03.06 (State Bar Policy Manual) for complimentary admission (see pg. 4).**

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

- Course book ..... \$155 each<sup>†</sup>
- Course materials on USB drive..... \$155 each<sup>†</sup>

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

**5** **I am paying by:**

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

**PLEASE PRINT LEGIBLY** Account No. \_\_\_\_\_ Exp. Date \_\_\_\_\_

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

Signature \_\_\_\_\_

**State Bar Membership No.** \_\_\_\_\_

Name \_\_\_\_\_ Badge Name \_\_\_\_\_

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*\*PDFs of course materials will be available for purchase 6-8 weeks after the course in the Online Library at TexasBarCLE.com. Registrants receive access to the PDFs at no additional charge (see "Free to Our Registrants" in this brochure).*

*†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  
Austin, TX 78711-2487

**20th Annual Entertainment Law Institute**  
LIVE October 7-8, 2010 Austin

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



## Join the Entertainment and Sports Law Section

**F**ormed in 1989, the Entertainment and Sports Law Section has over 500 members. The Section is directed at lawyers who devote a portion of their practice to entertainment and/or sports law and seeks to educate its members on recent developments in entertainment and sports law. Membership in the Section is also available to non-lawyers who have an interest in these areas.

The Entertainment & Sports Law Journal, published twice a year by the Section, contains articles and information of professional and academic interest relating to entertainment, sports, intellectual property, art, and related areas. The Section also cosponsors seminars of interest to its members, such as this annual Entertainment Law Institute.

Membership in the Section is from June 1 to May 31. To join, go to [TexasBar.com](http://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 Michele Schweitzer, P.O. Box 12487, Capitol Station, Austin, TX 78711.



NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

BAR CARD NO. \_\_\_\_\_

Continue your legal education and industry insight by making plans to attend the  
**17th Annual Austin Film Festival and Conference** (October 21-28).  
Check out [AustinFilmFestival.com](http://AustinFilmFestival.com) or call 1-800-310-FEST for more information.