

25th Annual

Entertainment Law Institute

Jimmie Vaughan
2015 Texas State Musician

Jimie Vaughan is far more than just one of the greatest and most respected guitarists in the world of popular music. As *Guitar Player Magazine* notes, "He is a virtual deity—a living legend." After all, Vaughan provides a vital link between contemporary music and its proud heritage, as well as being a longtime avatar of retro cool.



LIVE Austin • November 5-6, 2015 • Radisson Hotel & Suites Downtown



MCLE CREDIT
14 Hours (1.25 Ethics)

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for the Bar*

Entertainment Law Institute

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



LIVE Austin

November 5-6, 2015
Radisson Hotel & Suites
Downtown

Register by October 22 to **save \$50!**

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

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

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MCLE CREDIT

14 HOURS (1.25 ETHICS)
MCLE COURSE NO: 901322381

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

Thursday

7 hours including 1.25 hour ethics

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

8:55 **Welcoming Remarks**
Course Director
Mike Tolleson, *Austin*
Mike Tolleson & Associates

9:00 **Pancho and Lefty Walk into a Lawyer's Office 1 hr (.25 ethics)**

A simple band agreement on parchment may have worked in the old west, but modern ownership and revenue models require complex analysis and custom considerations. This presentation will discuss entity formation strategies, conflicts, variable interests, and take a fresh look at the traditional band agreement.

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

Kenneth W. Pajak, *West Lake Hills*
Pajak Law

10:00 **Artist Management Agreements 1 hr**

A great manager can make an artist's career, but a bad one can ruin it. Learn about the key deal points in negotiating the deal from the perspective of both artist and manager.

John Meller, Esq., *West Hollywood, CA*
LaPolt Law, P.C.

11:00 **Break**

11:15 **Annual Roundup of Entertainment Law Rulings 1 hr**

A look at the impact of significant new court rulings on the entertainment industry.

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

12:15 **Break - Lunch Served**

12:30 **Texas Star Award Presentation**

12:35 **Music Publishing, Brands, and Performing Rights Organizations: Evolution, Revolution, and Survival 1 hr**

Todd and Jeff Brabec reflect on the business they started in, the business today, and the business of tomorrow.

Jeff Brabec, Esq., *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*

1:35 **Break**

1:45 **Ethics: Not a Game (Show) 1 hr ethics**

An ethically entertaining and interactive presentation allowing attendees to poll the audience or phone a friend to discover the best answer to some tough ethical dilemmas.

Tamera H. Bennett, *Lewisville*
Bennett Law Office

Coyt Randal Johnston, *Dallas*
Johnston & Tobey

2:45 **Music Licensing in the Digital Age: What You Need to Know About Negotiations, Fees, and Royalties 1 hr**

Jeff Brabec, Esq., *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*

3:45 **Break**

4:00 **Copyright Reform and the Future of Music 1 hr**

As the music business tries to keep up with new issues and challenges created by the ever growing digital economy, copyright and licensing legislation is taking center stage in the U.S., with four different sections of the federal government independently reviewing these laws. After two years of extensive study and public roundtable discussions across the country, in February, the U.S. Copyright Office released its groundbreaking report, "Copyright and the Music Marketplace." In this panel, learn about this report and other important legislative developments in copyright law.

Moderator

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

Jacqueline C. Charlesworth, *Washington, DC*
General Counsel and Associate Register of Copyrights
U.S. Copyright Office

Dina LaPolt, *West Hollywood, CA*
LaPolt Law, P.C.

5:00 **Adjourn**

Friday

7 hours

8:00 **Coffee & Pastries Provided**

8:25 **Announcements**

Mike Tolleson, *Austin*
Mike Tolleson & Associates

8:30 **Music for TV and Film: Is New or Existing Music Right for Your Client?** 1 hr

Audio-visual producers can either (a) engage composers to create original music, (b) license existing music or (c) utilize a combination of both. Speakers will discuss the pros and cons and deal points of each method.

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

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

9:30 **Film Financing for Entertainment Attorneys: Keeping It Legal** 1 hr

Entertainment industry producers are frequently raising money for their projects in ways that are regulated by state and federal securities commissions. A securities attorney and producer/production counsel will discuss funding methods and the attorney's role in structuring the deal.

John Cones, *Austin*
Law Office of John Cones

Sally C. Helppie, *Dallas*
Vincent Lopez Serafino Jenevein

10:30 **Break**

10:45 **Negotiating Rights Acquisition Agreements for Screenplays and Books** 1 hr

A good movie starts with a good script or book but first you have to acquire the rights.

Deena B. Kalai, *Austin*
Deena Kalai PLLC

11:45 **Recording Agreements 101** 1 hr
Whether an artist signs to an indie or a major label, there are certain key deal points to negotiate in all record deals. Panelists will also discuss the differences and similarities between the various types of agreements.

William Bee Ravenel Lewis,
Charleston, SC
Lewis Law Group

John Meller, Esq., *West Hollywood, CA*
LaPolt Law, P.C.

12:45 **Lunch on Your Own**

1:45 **Producer Agreements 101** 1 hr
The music industry has changed dramatically over the last decade, particularly in the way artists and producers interact. Learn about 1) common front end and back end deal point pitfalls including net profit split terms, 2) matters of ownership, 3) "all in" deals, and 4) other points of negotiation, primarily from an "indie" production standpoint.

William Bee Ravenel Lewis,
Charleston, SC
Lewis Law Group

2:45 **Digital Distribution of Sound Recordings** 1 hr

A survey of the digital distribution landscape including the major players, terms of agreement, revenue streams, and successful strategies for indie labels and DIY Bands.

Jason Pascal, *New York, NY*
The Orchard

3:45 **Blurred Lines: The Perilous State of U.S. Copyright Law in the Era of Electronic Sound** 1 hr

A discussion of *Pharrell Williams, et al v. Bridgeport Music, Inc, et al.*, the implications of the case, and peculiarities of U.S. Copyright Law and its jurisprudence which foreshadowed a jury verdict that stunned sectors of the music and legal community. Will the disposition of "Blurred Lines" ultimately prove to be a bridge too far, or a sign of things to come?

Moderator

Buck McKinney, *Austin*
Law Office of Buck McKinney, PC

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

Charles Cronin, *Los Angeles, CA*
Lecturer in Law and Founder of the Music Copyright Infringement Resource USC Gould School of Law

4:45 **Adjourn**

2015 Texas Star Award Recipients



JEFF BRABEC and TODD BRABEC

Jeff and Todd are Deems Taylor Award winning co-authors of the best-selling music business book "Music, Money and Success: The Insider's Guide to Making Money in the Music Business" (7th edition/560 pages/Schirmer Books), and they lecture extensively throughout the world at conferences, universities, seminars, and foreign licensing and collection societies, on the business and law of Music and Entertainment.

Todd Brabec is a former ASCAP Executive Vice President and Worldwide Director of Membership, and is an Entertainment Law attorney and industry consultant. He is an Adjunct Professor at USC where he teaches Music Licensing, Music Publishing and Film, Television and Video Game Scoring and Song Contracts. He is a current Governing Committee member and former Music and Budget Chair of the American Bar Association Forum on the Entertainment and Sports Industries.

Jeff Brabec is Vice President of Business Affairs for BMG which owns and controls over one million copyrights throughout the world. He specializes in evaluating, analyzing, projecting income and negotiating music publishing catalogue acquisitions as well as songwriter, co-publishing, participation, administration, sub-publishing, direct license and joint venture agreements as well as termination rights issues. He is also an adjunct professor at USC Thornton School of Music/Business Division where he teaches music publishing and licensing.

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

BMI

Ways to Save on This Course!

Meet the October 22 Deadline and Save \$50 because early registrations help us ensure that sufficient course books, seating, and refreshments are available.

Entertainment and Sports Law Section Members Can Save \$75 by registering by October 22 (thereafter, save \$25). Not a member? To join, e-mail sections@texasbar.com or phone 800-204-2222, x1425.

Earn Discounts by Registering Five or More from your firm or agency. Contact Firm & Group Sales Manager Laura Angle at 512-263-2802 or laura.angle@texasbar.com.

HALF OFF for Attorneys Licensed 5 Years or Less! You read that right! See the registration form.

Need Financial Assistance to Attend? TexasBarCLE offers a limited number of scholarships for live courses, video replays, online classes, and webcasts. To apply or learn more, call 800-204-2222, x1574, Mon-Fri 8am-5pm CT.

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.

Parking Information is subject to change and does not guarantee available space. Radisson is offering attendees a discounted self-parking rate (based upon availability) of \$6 per day or \$18 for overnight guests.

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.

FREE TO OUR REGISTRANTS! Online Videos and MP3s of the Topics 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.

Interested in Sponsoring or Exhibiting at This Course or Others? Contact Julie Marshall at 512-427-1797 or julie.marshall@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.

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 this State Bar of Texas course.

Austin LIVE

Radisson Hotel & Suites Downtown

111 Cesar Chavez Austin, TX 78701 (800) 967-9033

\$199 single/double

Hotel Deadline: October 5



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

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Entertainment Law Institute

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(No discounts in section 3 may be taken)

I may attend complimentary because I am a (see p. 4):

- Qualifying judge**
- Judge's staff attorney**

Your registration includes:

- Coffee and pastries each morning
- Special luncheon presentation on Thursday
- Complimentary wireless signal in the meeting room

2

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 - Texas Bar College
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To order a discounted PDF download of course materials (available 4-6 weeks after the course), search **Publications** at TexasBarCLE.com.

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

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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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