



TexasBarCLE

21st Annual

# Entertainment Law INSTITUTE

**LIVE Austin** October 20-21, 2011

**MCLE CREDIT | 14 HOURS (1.5 ETHICS)**



*From Deep In The Heart of Texas, created by Jim Franklin to commemorate the 1971 live recording of Texas blues legend Freddie King, "The Texas Cannonball", by Leon Russell at the Armadillo World Headquarters (1970-80)*

TexasBarCLE presents the 21st Annual

# Entertainment Law Institute

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

**LIVE Austin** | October 20-21, 2011 | Hyatt Regency Hotel

Register by October 6, 2011 and **save \$50!** | Entertainment and Sports Law Section members can **save \$75!**

## Thursday 7.75 hours (1 ethics)

7:45 **Registration**

8:15 **Welcoming Remarks**

**Course Director**

Mike Tolleson, *Austin*

Mike Tolleson & Associates

8:30 **Recent Court Decisions Affecting the Entertainment Industry** 1 hr

Stan Soocher, Esq., *Denver, CO*

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

Associate Professor, Music & Entertainment Industry Studies  
University of Colorado Denver

9:30 **Get Your Act Together! Practice Tips, Precautions and Pitfalls of Properly Organizing the Emerging Band or DIY Artist** 1 hr (.25 ethics)

*Learn how to deal with conflicts, identify the best business structure for your client, address IP ownership issues, and avoid disputes commonly encountered when a DIY artist or band breaks.*

Buck McKinney, *Austin*

Attorney at Law

Kenneth W. Pajak, *Austin*

The Bannerot Law Firm

10:30 **Break**

10:45 **Ethics - Professional Liability Insurance and Malpractice Issues for Entertainment Lawyers** .5 hr ethics

*An examination of the policies, fees, terms, and choices when considering professional liability insurance for an entertainment practice.*

Nancy Randolph Kornegay, *Houston*

Brown & Kornegay

11:15 **7 Deadly Sins of Boiler Plate** 1 hr (.25 ethics)

*When and why you should include certain "boiler plate" provisions in your contracts. A review of selected provisions typically found in entertainment industry agreements.*

D. Hull Youngblood, Jr., *Austin*

Youngblood and Associates

12:15 **Break - Lunch Provided**

12:30 **Texas Star Award Presentation**

12:45 **The 'Compleat' Entertainment Lawyer** .5 hr

Lionel "Lon" Sobel, *Santa Monica, CA*

Editor, Entertainment Law Reporter

Visiting Professor, University of San Diego School of Law  
Summer-Abroad Program

1:15 **Break**

1:30 **Pitching Music for Film and Television: Agreements with Reps & Publishers** 1 hr

*A proliferation of new companies offering to pitch music to film and television producers requires a fresh look at the role they play, the terms of agreement, and the advantages or disadvantages they offer to your artist/writer/publisher client.*

Tamera H. Bennett, *Lewisville*

Bennett Law Office

Steven Winogradsky, *Studio City, CA*

Winogradsky/Sobel

2:30 **Copyright Terminations** 1 hr

*The right to terminate copyright transfers after 35 years is soon to have a large impact on the entertainment industry. The law, issues, and procedures are reviewed by experts in the field.*

Eric Custer, *Los Angeles, CA*

Partner - Entertainment

Manatt, Phelps & Phillips

Lionel "Lon" Sobel, *Santa Monica, CA*

Editor, Entertainment Law Reporter

Visiting Professor, University of San Diego School of Law  
Summer-Abroad Program

3:30 **Break**

3:45 **Direct Licensing of Performance Rights vs. Blanket Licensing via BMI, ASCAP and SESAC: Critical Considerations for Writers and Publishers** 1 hr

*Panel discussion on the trends and strategies developing for payment of public performance of musical compositions.*

**Moderator**

Steven Winogradsky, *Studio City, CA*

Winogradsky/Sobel

### MCLE CREDIT

**MCLE COURSE NO: 901224238**

**14 HOURS (1.5 ETHICS)**

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.

Jeff Brabec, *Beverly Hills, CA*  
Vice President of Business Affairs  
BMG Chrysalis

Matthew J. DeFilippis, *New York, NY*  
Vice President, New Media &  
Technology  
ASCAP

Christopher S. Harrison, *Austin*  
DMX Music

4:45 **Website Agreements for Artists**  
.75 hr  
*A discussion of issues to consider in building out a web-site with music and visual image content, including agreements with developers, terms of use, privacy policies, domain name disputes, credit card processing, cloud services, and appropriate licenses for use of sound recordings, musical compositions and visual art.*

Edward A. Cavazos, *Austin*  
Bracewell & Giuliani

5:30 **Adjourn**

**Friday** 6.25 hours (.5 ethics)

8:00 **Announcements**

8:15 **Federal and State Legislation Affecting the Entertainment Industry** 1 hr  
**Moderator**  
Todd Brabec, Esq., *Los Angeles, CA*  
Former Executive Vice President ASCAP  
Author: *Music Money and Success*  
Adjunct Associate Professor, *USC*

Christian L. Castle, *Los Angeles, CA*  
Christian L. Castle, Attorneys

Jay Rosenthal, Esq., *Washington, DC*  
Senior VP and General Counsel  
National Music Publisher's Association  
Berliner, Corcoran & Rowe

9:15 **Film Production Agreements**  
1 hr  
*A review of typical agreements with directors, actors, writers, crew, and other service providers associated with film production.*

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

10:15 **Break**

10:30 **Finding the Safe Harbor for Fair Use in Non-Fiction Books and Films** 1 hr

*When can you use a portion of a copyrighted work without permission from the owner? This question arises routinely in the creation of audio/visual works using samples, photos, music and film clips. The answer is often not clear but guidelines have been developed for best practice and the securing of errors and omission insurance.*

Michael C. Donaldson, Esq.,  
*Beverly Hills, CA*  
Donaldson & Callif

11:30 **Right of Publicity** 1 hr  
*A look at the latest developments in litigating in this fast-evolving area of rights to artist name, voice, likenesses and related personal indicia. Includes discussion of domicile and choice of law, statute of limitations, First Amendment defenses and assessing right of publicity damages.*

Barry E. Mallen, *Los Angeles, CA*  
Manatt, Phelps & Phillips

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

12:30 **Lunch on your own**

1:45 **Issues to Consider When Launching an Arts/Entertainment-related Nonprofit Organization**  
.75 hr

Erin E. Rodgers, *Houston*  
Law Office of Al Staehely  
Texas Accountants and Lawyers for the Arts

Greg McRay, *Nashville, TN*  
President, Foundation Group

2:30 **Advertising, Solicitation, and Social Media** .5 hr ethics  
*A review of the current rules and code of ethics related to attorney advertising and promotion.*

Gene Major, *Austin*  
Director, Advertising Review  
State Bar of Texas

3:00 **Recording Agreements: Negotiating the 360 Deal** 1 hr  
*Dina LaPolt and Doug Mark return for a lively discussion of the current environment at record labels and a mock negotiation of a 360 recording agreement plus tips for building the artist's brand.*

Dina LaPolt, *West Hollywood, CA*  
LaPolt Law

Doug Mark, *Los Angeles, CA*  
Mark Music & Media Law

4:00 **Adjourn**

## 2011 Texas Star Award Recipient LON SOBEL



LIONEL "LON" SOBEL is the Editor of the *Entertainment Law Reporter*, [www.entertainmentlawreporter.com](http://www.entertainmentlawreporter.com), and a Visiting Professor in the summer-abroad program of the University of San Diego School of Law for which he has taught International Entertainment Law in London and International Copyright Law in Florence. He was the Chair of the American Bar Association's Forum Committee on the Entertainment & Sports Industries from 2007 to 2009.

He authored the current "Law of Ideas" chapter for *Nimmer on Copyright Law*. He also is the author of: *International Copyright Law*, a casebook; *International Entertainment Law*, a casebook (written with the late Donald Biederman); *Professional Sports and the Law*, a text; and co-editor of the Third Edition of the casebook *Law and Business of the Entertainment Industries* as well as the author of chapters in several other books.

He received a B.A. degree in Economics from the University of California, Berkeley, in 1963, and a J.D. degree from UCLA School of Law in 1969.

He started his career as an associate with Loeb & Loeb before forming his own firm and then joined the faculty of Loyola Law School in 1982. He has been a member of the faculty or lecturer at UCLA School of Law, Boalt Hall, the Berkeley Center for Law & Technology, and Southwestern Law School.



**Freddie King**, (1934-76) born in Gilmer, Texas, raised in Chicago, died in Dallas, considered one of the three “Kings” of blues guitar players, known for his instrumental hit “Hide Away” and influence on Eric Clapton, Mick Taylor, Jeff Beck, Stevie Ray and Jimmie Vaughan, and others, regularly sold out shows at the Armadillo World Headquarters in the early seventies.

**Jim Franklin**, iconic Austin artist, in the forefront of the Austin poster art movement in the 60s and 70s, resident artist and co-founder of the Armadillo World Headquarters who established the Armadillo as a symbol for Texas popular culture continues to produce innovative fine art from his studios in Austin, France and Moab, Utah.



**I N F O R M A T I O N**

**Ways to Save on This Course!**

**Register by October 6th 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 pre-registrants until the start of the first topic.

**Entertainment and Sports Law Section Members Can Save \$75**

by registering no later than the “Register by” date for that course (thereafter, save \$25); see the registration form. Not a member? To join, e-mail 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 for Attendees Not Staying at the Hotel**

is subject to change without notice and is not a guarantee of available space. AUSTIN: Self-parking for \$10/day in the hotel parking lot.

**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 MCLE Credit**

and receive course materials by (1) calling 800-204-2222, x1574 to transfer your registration to a later presentation or (2) 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 to receive 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 e-mail address when preregistering 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 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**

**Hyatt Regency Hotel**

208 Barton Springs Road  
Austin, TX 78704

(512) 477-1234

\$179/single; \$209/double

**Deadline: September 28**



Because the Austin Film Festival begins on October 20, this special room block could fill in advance of the September 28 deadline. Don’t delay, reserve your room now!

**Course Director**

Mike Tolleson.....Austin

**Planning Committee**

J. Craig Barker ..... Austin  
Tamera H. Bennett ..... Lewisville  
Mitzi Brown ..... Dallas  
Christopher S. Harrison ..... Austin  
Deena B. Kalai ..... Austin  
Buck McKinney ..... Austin  
Amy E. Mitchell ..... Austin  
Kenneth W. Pajak ..... Austin  
Erin E. Rodgers ..... Houston  
Prof. Stan Soocher ..... Denver, CO  
Steven Winogradsky ..... Studio City, CA

**TexasBarCLE Planning Team**

Hedy Bower..... Director of Program Planning  
Shawna Renold..... Program Coordinator

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

Mitzi Brown ..... Chair  
Shannon Jamison ..... Chair-Elect  
Don Valdez ..... Immediate Past Chair  
Craig Crafton ..... Secretary  
Amy Mitchell ..... Treasurer

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State Bar of Texas  
P.O. Box 12487  
Austin, TX 78711-2487

**Entertainment Law Institute 2011**  
LIVE October 20-21, 2011 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:

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.



## 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 Sandra Carlson, P.O. Box 12487, Capitol Station, Austin, TX 78711.



NAME \_\_\_\_\_

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

Continue your legal education and industry insight by making plans to attend the **18th Annual Austin Film Festival and Conference** (October 20-27).

Check out [AustinFilmFestival.com](http://AustinFilmFestival.com) or call **1-800-310-FEST (3378)** for more information.

**Online**

TexasBarCLE.com  
credit card only

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credit card only

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credit card only

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State Bar of Texas - CLE  
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**Registering  
five or more?**

E-mail Laura Angle at  
laura.angle@texasbar.com  
for group discount  
information.

Save up to **\$75!**

**Entertainment Law Institute**

8095

**1** **LIVE Austin, October 20-21** . . . . . **\$445**  
**Take \$50 OFF:** Register by **October 6, 2011**

**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**

**Extra benefits of your registration:**

- Coffee and pastries provided each morning
- Special luncheon on Thursday
- Convenient access to powerstrips in the meeting room

**PLUS: Come for the Course and stick around for the Fest!**

**18th Annual Austin Film Festival & Conference will occur  
October 20-27.** (Separate registration required.) Check out  
[AustinFilmFestival.com](http://AustinFilmFestival.com) or call 1-800-310-FEST (3378) for more  
information.

**3** **I'm entitled to 1 or 2 discounts on the Advanced Course:**

- \$50 OFF** because I'm registering by October 6, 2011. (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
    - 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 p. 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 TexasBarCLE.com 6-8 weeks after the course.

**5** **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 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" on p. 4).*

*<sup>†</sup>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**