

Entertainment, Arts & Sports Law Section

Program Co-Chairs:

Rebecca A. Frank, Esq.

Tracey Greco, Esq.

Michael S. Poster, Esq.

Marc S. Reisler, Esq.

NYSBA

The Entertainment Business Law Seminar

-at-

CMJ Music Marathon & Film Festival 2009

Friday, October 23, 2009

Helen and Martin Kimmel Center for University Life

New York University

60 Washington Square South

Richard L. Rosenthal Pavilion, 10th Floor

New York City

Presented by:

CMJ Music Marathon

and

The Entertainment, Arts & Sports Law Section
of The New York State Bar Association



THE NEW DEAL

Music and Film in a Brand New Environment

presented by:

CMJ Music Marathon

and

The Entertainment, Arts and Sports Law Section of
the New York State Bar Association

The Entertainment Arts & Sports Law (EASL) Section of The New York State Bar Association, in association with CMJ Network, Holland & Knight LLP and Sonnenschein Nath & Rosenthal LLP, will once again host the all-day MCLE accredited Entertainment Business Law Seminar on October 23, 2009, to be held at this year's CMJ Music Marathon and Film Festival at New York University in New York City, from October 20-24, 2009. The venue for the Seminar will be NYU's Helen and Martin Kimmel Center for University Life, Richard L. Rosenthal Pavilion.

As the Obama Administration works to help American businesses adapt to new economic realities, the entertainment industry is in the midst of reexamining and reinventing dealmaking structures to conform to this new business climate. At the forefront of this shift, digital media forces filmmakers, musicians -- and the attorneys who represent them -- to reorganize content distribution, explore and foresee innovative uses of these media, and restructure the corresponding deals that are made. Limited economic resources have fostered fresh, creative ideas and partnerships while continuing to push musicians and filmmakers to the Internet.

With changes happening at lightning speed, it is vital that attorneys and artists remain engaged in the conversation about the evolution of the industry and stay current with its legal developments.

The Entertainment Business Law Seminar will host speakers at the center of the industry discussing critical legal topics affecting the future of the film and music business. Conversations will span the current major legal and legislative issues related to recession era dealmaking, Internet start-up companies, online privacy rights, ethical negotiation practices, the basics of independent filmmaking and future trends in the film and music industries.

Lawyers attending the seminar will receive 6 New York State MCLE (Mandatory Continuing Legal Education) credits, consisting of 4 in Practice Management, 1 in Skills and 1 in Ethics.

SCHEDULE OF EVENTS

Friday, October 23

7:30 a.m. **CMJ Registration** - The Judson Memorial Church

7:30 a.m. **Morning CLE Sign-in and Breakfast**
Helen and Martin Kimmel Center for University Life, 10th Floor

8:50 - 9:00 a.m. **Welcoming Remarks**
Ken Swezey, Esq.
Chair, Entertainment, Arts & Sports Law Section
New York State Bar Association
Partner, Cowan, DeBaets, Abrahams & Sheppard LLP
New York City

Program Introductions
Joanne Abbot Green
Founder & Executive Producer
CMJ Network, Inc.
New York City

Rebecca A. Frank, Esq.
Programs Co-Chair
Entertainment, Arts and Sports Law Section
New York State Bar Association
New York City

9:00 – 10:00 a.m. **“Recession-Era Dealmaking”**
The economy may be in crisis, but a crisis is a terrible thing to waste. This panel will explore whether or not entertainment industry deals are being executed in the current environment and how they operate compared to deals in recent years. New opportunities exist for dealmakers and this panel will examine creative ways to foster profitable partnerships when the chips are down. What happens when the recent private-equity backed deals start to unravel? Does partnering with a major corporation such as Walmart or Target succeed at boosting a band’s record sales among Middle Americans, and does it affect the band’s artistic credibility? Can current efforts to lower concert ticket prices and proposed anti-scalping legislation make concert attendance feasible for Americans with the lowest disposable income in years? This panel will explore the issues facing dealmakers in the entertainment industry in the current economic crisis and discuss ways to turn the recession’s limited resources into unique growth strategies.

Susan Butler, Moderator
Executive Editor, Music Confidential
Butler Business & Media LLC
New York City

Panelists:

Helen Murphy
President
International Media Services, Inc.
New York City

Jonas Kant
Senior Vice President
Business and Legal Affairs
Sony/ATV Music Publishing
New York City

Michael Poster, Esq.
Partner, Corporate Practice Group
Sonnenschein Nath & Rosenthal LLP
New York City

Joel Schoenfeld, Esq.
eMusic
New York City

SCHEDULE OF EVENTS

Friday, October 23 (continued)

10:10 – 11:10 a.m.

“Starting From Zeroes: Start-Ups & Digital Distribution”

Today’s online start-ups are striking a balance between accessing content, serving their users and protecting themselves from liability. With relatively no overhead, and instant access to a wide array of people and resources, internet companies can provide their services for less than the brick and mortar establishments of yesterday. But in a realm where literally anyone can establish an internet presence in a matter of minutes, how can legitimate companies distinguish themselves and their resources from the scammers and the unqualified? How can start-ups leverage the Web to compete with established entertainment companies? Artists and entertainment professionals must strategize to hone in on the right resources their particular needs. What are the key tips for maximizing revenue online? Our panelists will discuss these questions and others topics of interest to managers of music and other entertainment start-ups.

Lisa Weiss, Esq., Moderator

Partner, Sonnenschein Nath & Rosenthal LLP
New York City

Panelists:

Aileen Atkins, Esq.

General Counsel, Napster
New York City

Mark Eisenberg

Executive Vice President
Global Digital Business Group
Sony Music Entertainment, Inc.
New York City

Drew Lipsher, Esq.

Partner, Greycroft LLC
New York City

11:20 a.m. –
12:20 p.m.

“Footprints In Cyberspace: Following Consumers Online”

Is Big Brother really that bad? Online platforms can be used to collect vast amounts of information about who’s listening, watching or interacting. We can learn about their tastes, their buying behavior, their Internet browsing behavior and their opinions, and that’s just scratching the surface. Research shows that consumers respond well to technology that delivers products that meet their needs and desires - including entertainment. Google bots are already scanning your Gmail to suggest advertisements based on your email content, but there seems to be a fine line between what’s helpful and creepy. Consumers remain wary about the intrusion of technology on their privacy while using the internet. There are important precautions one can take to prevent unwanted disclosure of private information online. This panel will discuss the various privacy rules and regulations that apply to how companies collect and treat information about consumers and what additional regulations we may see in the near future.

Marc S. Reisler, Esq., Moderator

Partner, Holland & Knight
New York City

Panelists:

Flora Garcia

Privacy Director, Time Inc.
New York City

Heather Hipsley

Assistant Director, Division of Enforcement
Bureau of Consumer Protection,
Federal Trade Commission
New York City

Shane M. McGee, Esq.

Partner, Sonnenschein Nath & Rosenthal LLP
Washington, D.C.

SCHEDULE OF EVENTS

Friday, October 23 (continued)

12:20 – 1:30 p.m. **Luncheon for CLE Registrants with Keynote Address Speaker
John Scher, co-CEO of Metropolitan Talent**

1:30 – 2:30 p.m. **“Ethical Negotiation Practices”**
Negotiating deals is a large part of the entertainment business and attorneys representing their clients are bound by the New York Rules of Professional Conduct. In navigating the tricky paths of negotiation, what information are attorneys bound to keep confidential? How forthright must an attorney be with opposing counsel? And when does puffery cross the ethical line? This panel will explore these issues through a step-by-step mock negotiation that will examine the good side and the dark side of doing deals in the entertainment industry.

Howard Siegel, Esq., Moderator
Partner, Pryor Cashman LLP
New York City

Panelist: **John P. Sahl, Professor of Law**
Faculty Director, Miller-Becker Institute for Professional Responsibility
The University of Akron School of Law
Akron, OH

2:40 – 3:40 p.m. **“From Treatments To Royalties: The Basic Lifespan Of An Indie Film”**
Coming up with a brilliant idea for a film is the easy part, but what happens after you get the great idea? What do the contracts and development processes look like in this economy? How can a great film be made on a small budget in a short amount of time? Even after the camera has stopped rolling, filmmakers need to be prepared to handle the business end of a film and continue to be creative. Is it best to go to film festivals? First-time filmmakers need to consider alternate methods of distribution and inking an independent distribution deal often means raising a large part of the funding on your own. Panelists will discuss and disassemble the development, financing, production and distribution of an independent film in light of the recession.

Sue Bodine, Esq., Moderator
Partner, Cowan, DeBaets, Abrahams & Sheppard LLP
New York City

Panelists: **Madhu Goel** **Dan O’Meara**
Director, Legal & Business Affairs Green Film Company
A&E Television Networks New York City
New York City

Marc Simon, Esq.
Partner, Cowan, DeBaets, Abrahams & Sheppard LLP
New York City

SCHEDULE OF EVENTS

Friday, October 23 (continued)

3:50 – 4:50 p.m.

“Destination Unknown: What’s Next For The Industry In 2010”

In this spirited annual discussion, we pull back the curtain and look into the future of the entertainment industry. Will the music industry continue its trend and completely abandon the old business models? Will large film companies look to independent online content for new material? The panel will discuss not only what strategies have failed in the past year but also, hopeful new forward-thinking business models and opportunities. We will look at methods to monetize existing content and how the industry may look over the coming year, and in years to come. The future of the entertainment industry may look very different from the industry of the past, but with creativity and perseverance, it will be bright!

Vejay G. Lalla, Esq., Moderator

Associate, Davis & Gilbert LLP
New York City

Panelists:

Stanley Pierre-Louis, Esq.

Vice President, Associate General Counsel
Intellectual Property & Content Protection
Viacom Inc.
New York City

Drew Stein

President & COO, IMO
New York City

Lance Podell

CEO, Next New Networks
New York City

Peter Drakoulis

Founder, The TORCH Program
New York City

4:50 – 4:55 p.m.

Conclusion, Final Remarks and Announcements

5:00 p.m.

Program Concludes

***Please check the website (www.nysba.org/easlcmj2009) for updates and changes**

Registration Information

REGISTRATION OPTIONS: There are three (3) registration options.
Registration for Options 1 & 2 begins at 7:30 a.m. on Friday, October 23, 2009.

Option 1: Entertainment Business Law Seminar Only

Registration fee: \$199.00 - This option includes admission to the Entertainment Business Law Seminar only (Friday, October 23, 2009 from 8:00 a.m. to 6:00 p.m.), 6.0 New York MCLE credits, written course materials, lunch, and refreshments. **Please note that this option DOES NOT include a CMJ Music Marathon 2009 registration.**

Note that if you register after 5:00 p.m. on Wednesday, October 14th or thereafter, including walk up registration an additional amount of fifty dollars (\$50.00) will be added to registration fee.

Register for this option through the NYSBA website: www.nysba.org/EASLCMJ2009

Option 2: Entertainment Business Law Seminar + 2-day CMJ Music Marathon 2009 Badge

Registration fee: \$299.00 - This option includes admission to the Entertainment Business Law Seminar, 6.0 New York MCLE credits, written course materials, lunch, refreshments and a 2-day CMJ Music Marathon 2009 Badge valid during Friday, October 23 2009 and Saturday, October 24, 2009. The 2-day CMJ Music Marathon 2009 Badge allows access to two (2) full days of events including panels, nighttime admission to New York's best live music venues to enjoy hundreds of the world's best new bands in concert and the CMJ Film Festival featuring the very best in major and independent films before they hit theaters.

The 2-day CMJ Music Marathon 2009 Badge MUST be picked up on Friday, October 23, 2009 between 7:30 a.m. to 6:30 p.m.

Please register for this option through CMJ Music Marathon at <http://www.cmj.com/marathon/register.php>

Please note that this option DOES NOT include entrance into the 2009 CMJ Music Marathon prior to Friday, October 23, 2009. As such, this type of badge is only valid on October 23 and 24, 2009.

Option 3: Full 5-day CMJ Music Marathon 2009 Badge + Entertainment Business Law Seminar Upgrade

Registration fee: \$594.00 (\$495.00 CMJ Badge + \$99.00 upgrade)

This option includes admission to the Entertainment Business Law Seminar, 6.0 New York MCLE credits, written course materials, lunch and refreshments and a 5-day CMJ Music Marathon 2009 Badge valid during Tuesday, October 20, 2009 until Saturday, October 24, 2009. The 5-day CMJ Music Marathon 2009 Badge allows access to five (5) full days of events including panels, nighttime admission to New York's best live music venues to enjoy hundreds of the world's best new bands in concert and the CMJ Film Festival featuring the very best in major and independent films before they hit theaters.

The 5-day CMJ Music Marathon 2009 Badge is available to be picked up on Tuesday, October 20, 2009 at 9:00 a.m.

Please register for this option through CMJ Music Marathon at <http://www.cmj.com/marathon/register.php>

Please note that this option DOES include entrance into the entire CMJ Music Marathon 2009. As such, the full CMJ Music Marathon 2009 Badge is valid on October 20, 21, 22, 23, and 24, 2009.

Registration Location Information

Option 1: Entertainment Business Law Seminar Only

If you have already pre-registered or if you need to register on-site and to check-in/out for MCLE and pick up course materials, please visit:

Helen and Martin Kimmel Center for University Life
New York University
60 Washington Square South*
Richard L. Rosenthal Pavilion, 10th Floor
New York, New York 10012

**West 4th Street bet. Thompson and La Guardia Place. It is on the south side of Washington Square Park.*

Option 2: Entertainment Business Law Seminar + 2-day CMJ Music Marathon 2009 Badge

If you have already pre-registered or would like to register on-site for Option 2 including Entertainment Business Law Seminar + 2-day CMJ Marathon 2009, please visit:

The Judson Memorial Church
55 Washington Square South *

New York, New York 10012
Wheelchair access entrance: 243 Thompson Street

** The Judson Memorial Church is on the south side of Washington Square Park between Thompson and Sullivan Streets.*

Once you have picked up your registration for the 2-day CMJ Music Marathon 2009 Option 2, please proceed to the Helen and Martin Kimmel Center for University Life, New York University, 60 Washington Square South*, Richard L. Rosenthal Pavilion, 10th Floor for the Entertainment Business Law Seminar registration, MCLE Check-in/out, course materials and seminar.

**West 4th Street bet. Thompson and La Guardia Place. It is on the south side of Washington Square Park.*

Entertainment Business Law Seminar Location:

Helen and Martin Kimmel Center for University Life
New York University
60 Washington Square South *

New York, New York 10012
**West 4th Street bet. Thompson and La Guardia Place. It is on the south side of Washington Square Park.*

Option 3: Entertainment Business Law Seminar + Full 5-day CMJ Music Marathon 2009 Badge

If you have already pre-registered or want to register on-site for Option 3 including Entertainment Business Law Seminar + 5-day CMJ Music Marathon, please visit:

The Judson Memorial Church
55 Washington Square South *

New York, New York 10012
Wheelchair access entrance: 243 Thompson Street

** The Judson Memorial Church is on the south side of Washington Square Park between Thompson and Sullivan Streets.*

Please note that this means your 5-day CMJ Music Marathon 2009 Badge can be picked up at the CMJ Music Marathon registration area starting Tuesday, October 20, 2009 beginning at 9:00 AM EST.

Then to attend the Entertainment Business Law Seminar on Friday, October 23, 2009 and for MCLE Check-in/out and course materials, please proceed to:

Helen and Martin Kimmel Center for University Life
New York University
60 Washington Square South*
Richard L. Rosenthal Pavilion, 10th Floor
New York, New York 10012

**West 4th Street bet. Thompson and La Guardia Place. It is on the south side of Washington Square Park.*

Important MCLE Information

The New York State Bar Association's Meetings Department has been certified by the NYS Continuing Legal Education Board as an accredited provider of continuing legal education in the State of New York. Under New York's MCLE rule, this program has been approved for a total of up to [6.0] MCLE credit hours.

The breakdown is as follows:

- [4.0] MCLE credit hours in Traditional Areas of Practice
- [1.0] MCLE credit hours in Ethics
- [1.0] MCLE credit hours in Skills

Only the Ethics and Skills portions of this program are transitional for newly admitted attorneys.

DISCOUNTS AND SCHOLARSHIPS: Attorneys may receive financial assistance to attend this program. Under New York State Bar Association policy, attorneys who require financial assistance may apply in writing, not later than 21 working days prior to the program, explaining the basis of his/her hardship, and, if approved, may receive a discount or scholarship, depending on the circumstances. For more details, please contact: Lori Nicoll, New York State Bar Association, One Elk Street, Albany, New York 12207. Inicoll@nysba.org.

Directions by Subway

Take the Lexington Avenue subway (No. 6 train) to Astor Place Station. Go west on Astor Place to Broadway. Walk south on Broadway to Waverly Place. Walk westward on Waverly Place until you reach Washington Square.

Take the Broadway subway (N, R or W train) to Eighth Street Station. At Broadway walk south to Waverly Place. Walk westward on Waverly Place until you reach Washington Square. * The N runs late at night and weekends. The R does not run late at night.

Take the Sixth Avenue subway to West Fourth Street-Washington Square Station (A, C, E, B, D, F, or V train). Walk east on West Fourth Street until you reach Washington Square. * The A and C don't run late at night, the E, F and V run from 6 a.m. to midnight, the B runs weekdays from 6 a.m. to 9:30 p.m., and the D runs at night.

Take the Seventh Avenue subway to Christopher Street-Sheridan Square Station (1, 9 or 2). Walk east on Christopher Street to West Fourth Street. Continue east to Washington Square. * The 1 and 9 are rush hour only, and the 2 train runs late at night.

Special Thanks to our Sponsors

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