



34TH ANNUAL ENTERTAINMENT LAW INSTITUTE



ENTERTAINMENT LAW 101
November 20, 2024

ENTERTAINMENT LAW INSTITUTE
November 21–22, 2024

AT&T Conference Center ■ Austin, Texas
 Live Webcast November 20, 21–22

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2024

ENTERTAINMENT LAW 101

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Times listed are in Central Time

WEDNESDAY AFTERNOON, NOV. 20, 2024

Presiding Officer:

Stephanie K. Hay, The Hay Law Group, PLLC, Houston, TX

12:00 p.m. Registration Opens

Includes light refreshments.

12:35 p.m. Welcoming Remarks

12:45 p.m. 1.00 hr

Film and TV Distribution Deals: Issue Spotting and Doing Math

Focus on key terms as well as financial issues that are important to consider when advising clients producing film and television projects.

Nancy C. Prager, Prager Law, LLC, Atlanta, GA

ABOUT THE COVER



Photo by Scott Newton © Austin PBS. All rights reserved. Commemorating Austin City Limit's 50th Anniversary year.

1:45 p.m. 1.00 hr

Publishing Deals: A Conversation

An author and a publisher discuss legal and practical concerns of publishing agreements and ancillary deals.

Stevie M. Fitzgerald, SXSW, LLC, Austin, TX
April Murphy, Keller Williams Realty, Inc., Austin, TX

2:45 p.m. 15-Minute Break

3:00 p.m. 1.00 hr

Music Distribution Deals are Back in Fashion

As artists shy away from the long duration of traditional recording agreements, there is a rise in distribution deals being offered, even from the major labels. Dive into those deals and the various options that are being offered to artists.

Wallace E.J. Collins III, Law Offices of Wallace E.J. Collins III, New York, NY
Lynn Morrow, Adams and Reese LLP, Nashville, TN

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4:00 p.m. 0.75 hr | 0.50 hr ethics

Pro Bono to Practice

A panel presented by Texas Accountants and Lawyers for the Arts discusses how *pro bono* representation of arts and entertainment clients helps to build substantive knowledge and an ethical foundation for practice management. The panel walks through a case-study involving a dispute among and between members of a musical recording group.

Justen S. Barks, Barks PLLC, Houston, TX
Angela L. Lee, Texas Accountants and Lawyers for the Arts, Austin, TX
Adam D. Mandell, MWZB Law, Austin, TX

4:45 p.m. Adjourn

ELI WELCOME EVENT

5:30 p.m. to 7:30 p.m.

Following the 101 program, join TESLAW at Scholz's Biergarten and Bowling Alley for food, fun and bowling! Free for all conference attendees and faculty. Further details will be provided closer to the event.

TEXAS STAR AWARD RECIPIENT JOY R. BUTLER

In her law firm practice, Joy R. Butler provides strategic counsel to companies and investors in the entertainment and digital technology industries. She typically assists clients with business model development, risk management, and expansion into new markets and product lines. Her areas of in-depth subject matter knowledge include media business affairs, technology transactions, complex licensing, private placement financing, and promotions.

A recognized authority in rights clearance, Ms. Butler recently completed an industry study describing the impact of existing and emerging technology on the rights clearance ecosystem in film and tv. Her findings, informed by interviews with over 40 industry stakeholders, were published as a special report on the Variety Magazine VIP+ platform. A related achievement is the high industry and academic regard enjoyed by her reference book, *The Permission Seeker's Guide Through the Legal Jungle*.

Always willing to exchange viewpoints on the ever-evolving landscape of entertainment and digital technology, Ms. Butler has recently contributed commentary articles to Variety, served as a journalist resource for Billboard Magazine, and maintains an active professional social media presence.

Her publications on promotion law include *Contests and Sweepstakes Law*, a practice manual featuring operational best practice suggestions as well as a detailed legal synopsis of the laws governing promotions in each state.

Ms. Butler is a graduate of Harvard College and Harvard Law School. She is a member of the District of Columbia, New Jersey, New York, and Pennsylvania Bars.



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THURSDAY MORNING, NOV. 21, 2024

Presiding Officer:

**Brent A. Turman, Bell Nunnally & Martin
LLP, Dallas, TX**

7:30 a.m. Registration Opens

Includes continental breakfast.

8:20 a.m. Welcoming Remarks

8:30 a.m. .75 hr

**The Reality of Reality: Getting a Show Pitch
to the Network**

A discussion of the best ways to get a project to a network for development and potential production and the importance of Shopping and Co-Production Agreements.

Jonathan Nowzaradan, Megalomeia, Austin, TX
Michael Norman Saleman, Law Offices of Michael
Norman Saleman, Austin, TX

9:15 a.m. .75 hr

**Cross-Border Issues in the Entertainment
Industries: Canada x U.S.**

Discuss cross-border issues typically arising in the entertainment industries with a particular focus on the music and film/TV industries.

Lindsay Bailey, Lindsay Bailey Law Corporation,
Austin, TX and Vancouver, B.C.

10:00 a.m. 15-Minute Break

**THANK YOU TO OUR THURSDAY
MORNING BREAK SPONSOR**

Jackson Walker

10:15 a.m. 1.00 hr | .25 hr ethics

**Annual Roundup of Notable Entertainment
Industry Court Rulings**

An annual roundup of notable court rulings, including Texas judicial decisions, that impact the practice of entertainment law.

Stan Soocher, Esq., Entertainment Law & Finance,
Denver, CO

**TESLAW members can request discounted
registration! Contact us at 512-475-6700 or
service@utcle.org to get the best discount
available.**

11:15 a.m. .75 hr | .25 hr ethics

**Anti-SLAPP Case Study: Dealing with
Defamation, Business Disparagement, and
Social Media**

Using a recent case, explore the business disparagement claims asserted against a prosthodontist and his dental practice, and the subsequent dismissal of these claims with a Chapter 27 Anti-SLAPP Motion to Dismiss. Stemming from a series of Instagram live videos, Kenneth Winstead a/k/a "Dr. Kenny Smiles" sued Dr. Ortiz for business disparagement and invasion of privacy. However, using publicly available information, Winstead's claims were rebutted by informing the court of a likely and entirely unrelated basis for why Winstead's business had declined: his character and practices had been called into question by certain of his current and prospective female patients.

Laura K. Lavernia, Bell Nunnally & Martin LLP,
Dallas, TX
Brent A. Turman, Bell Nunnally & Martin LLP,
Dallas, TX

12:00 p.m. Pick Up Lunch

Included in registration.

THURSDAY AFTERNOON

Presiding Officer:

**Gwendolyn Seale, Mike Tolleson and
Associates, Austin, TX**

**TEXAS STAR AWARD AND
LUNCHEON PRESENTATION**

12:20 p.m. Texas Star Award Presentation

Presented by: Amy E. Mitchell, Amy E. Mitchell,
PLLC, Austin, TX

12:30 p.m. .50 hr

Contests and Sweepstakes Law

Discover best practices for optimizing the success of contests and sweepstakes while minimizing risks such as inadvertent lotteries, gambling law violations, winner disputes, and public relations mishaps. Gain insight into recent legal developments and their implications for structuring and managing promotional activities.

Joy R. Butler, Law Office of Joy R. Butler, New Jersey
and Washington, DC

1:00 p.m. 15-Minute Break

1:15 p.m. .75 hr | .25 hr ethics

**The Ins and Outs of Negotiating an Indie
Label's Recording Deal**

As major record labels stand back and watch to see which new artists generate traction in the marketplace, the "indie" record labels have stepped into the void to engage in the artist development phase. From bare bones distribution style arrangements to all encompassing 360-style deals, whether with or without advances or recording funds and with a wide range of royalty arrangements, this panel will touch on the deal point highlights of the modern indie label deals.

Wallace E.J. Collins III, Law Offices of Wallace E.J.
Collins III, New York, NY
Lynn Morrow, Adams and Reese LLP, Nashville, TN

2:00 p.m. 1.00 hr

**Licensing Pre-Existing Content for Audio
Visual Works**

Get practical guidance on minimizing legal risks when clearing music, images, footage, and other creative content for audio-visual productions. Gain insight into the industry developments that are reshaping and challenging the licensing and rights clearance process.

Joy R. Butler, Law Office of Joy R. Butler, New Jersey
and Washington, DC

3:00 p.m. 15-Minute Break

3:15 p.m. 1.00 hr ethics

**Closing the Case and the File: How to
Ethically Terminate a Representation When
Completed**

Explore the recommended procedures you should have in place to ethically handle both the intake side of client matters, but also what is involved in "closing" files.

Claude E. Ducloux, Attorney at Law, Austin, TX

4:15 p.m. Adjourn to Reception

NETWORKING RECEPTION

4:15 p.m. – 5:15 p.m.

Join us for drinks and hors d'oeuvres
with program faculty and attendees.

FRIDAY MORNING, NOV. 22, 2024**Presiding Officer:**

Daniel Hare, Varsity Search and Baylor University, Waco, TX

8:00 a.m. Conference Room Opens

Includes continental breakfast.

8:30 a.m. .75 hr**The Rise of Sports Content in the Streaming Era**

Dive into the complex world of sports content production and distribution in the streaming age. Explore the intricate IP, licensing, and business challenges faced by studios, distributors, and subjects in creating docuseries, documentaries, and live sports broadcasts. And examine how regional sports network instability is impacting professional teams and their devoted fans in this rapidly evolving media landscape.

Jeremy M. Evans, California Sports Lawyer, Newport Beach, CA
Baron E. Ojogho, Davis Wright Tremaine LLP, Los Angeles, CA
Bobby Perez, Spurs Sports & Entertainment, San Antonio, TX

9:15 a.m. .75 hr | .25 hr ethics**Resurrecting EA Sports College Football**

The antitrust, licensing, and NIL issues involved in bringing back one of the country's most popular video games.

Moderator:
Miranda Chavez, Boulware & Valoir, Houston, TX
Panelists:
Tim Slavin, OneTeam, New York, NY
Aaron Solender, OneTeam, San Diego, CA

10:00 a.m. 15-Minute Break**10:15 a.m. .75 hr****The Aftermath of Recent Strikes**

The contract updates and legal issues that resulted from the WGA and SAG AFTRA strikes.

Moderator:
Stephanie K. Hay, The Hay Law Group, PLLC, Houston, TX
Panelists:
Gordon P. Firemark, Law Offices of Gordon P. Firemark, Los Angeles, CA
Tom Schwarz, SAG-AFTRA, Dallas, TX

11:00 a.m. .75 hr | .25 hr ethics**AI Litigation and Legislative Roundup**

A discussion of key legal issues and proposed legislation impacting the intersection of creative content and AI programs.

Thomas Clees, Recording Industry Association of America, Washington, DC
Stan Soocher, Esq., Entertainment Law & Finance, Denver, CO

FRIDAY AFTERNOON**Presiding Officer:**

Amy E. Mitchell, Amy E. Mitchell, PLLC, Austin, TX

NETWORKING LUNCH AND MENTORSHIP OPPORTUNITY

In Austin Only

11:45 a.m.

Network with colleagues and converse with conference faculty and other entertainment law experts in multiple practice areas and firm sizes. Lunch is included in registration.

12:45 p.m. .75 hr**Crossover Creators: A Legal Guide to Multi-Industry Success**

Today's creators aren't just artists—they're global brands. Crossing over into brand collaborations, product lines, and new industries presents exciting opportunities but also complex legal challenges. Whether it's negotiating deals, protecting intellectual property, or navigating global markets, advising your clients in this multi-industry landscape requires a nuanced approach. Explore real-world case studies (Pharell Williams, Takashi Murakami, Snoop Dog, Rihanna, Taylor Swift, MSCHF) and provide practical insights into navigating the evolving creator economy.

Polina Ivko, Adwar Ivko, New York, NY
Andrea N. Perez, Carrington, Coleman, Sloman & Blumenthal L.L.P., Dallas, TX

1:30 p.m. 1.00 hr**Is the Clock Ticking? A Discussion of TikTok's Legal Issues and the Platform's Future**

Legal problems are anything but a new phenomenon for TikTok and its parent company, ByteDance, from issues relating to copyright infringement to data privacy and national security concerns. Examine TikTok's music licensing practices and the fallout from large rightsholders pulling their catalogs from the platform, along with the most significant legal challenge TikTok has been faced with to date — the divest-or-ban law.

Moderator:
Gwendolyn Seale, Mike Tolleson and Associates, Austin, TX
Panelists:
Chris Castle, Christian L. Castle, Attorneys, Austin, TX
Amy K. Sanders, The University of Texas School of Law, Austin, TX

2:30 p.m. 10-Minute Break**INSTITUTE MCLE CREDIT**

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2:40 p.m. .75 hr**Unique Legal Issues Facing Public Media: Austin City Limits turns 50**

Join outside counsel for Austin PBS, together with Austin City Limits' Production Manager and Austin PBS Chief Content Officer, to learn about some of the unique legal issues faced by public media organizations that produce creative content. From "gotchas" on fundraising to restrictions on advertising and commercializing content, the panel will discuss how those issues impact the funding, production, and distribution of content by public media organizations. The discussion will focus on the music television series Austin City Limits, which is currently enjoying its 50th year on PBS. Stick around for a Q&A with the award-winning Executive Producer of ACL, Terry Lickona.

Moderator:
Amy E. Mitchell, Amy E. Mitchell, PLLC, Austin, TX
Panelists:
Jeff Peterson, LickonaVision, Austin, TX
Sara Robertson, Austin PBS, Austin, TX
Paul B. Saenz, Queen Saenz + Schutz PLLC, Austin, TX

3:25 p.m. Lazzari Award Presentation

Presented by: Amy E. Mitchell, Amy E. Mitchell, PLLC, Austin, TX

3:30 p.m. .50 hr**Austin City Limits at 50: Q&A with Terry Lickona**

Moderator:
Laurie Gallardo, KUTX, Austin, TX
Panelist:
Terry Lickona, Austin City Limits, Austin, TX

4:00 p.m. Adjourn**UT Law CLE is committed to Practice Excellence.**

We are here to support our community. Information and updates regarding our in-person conferences and live webcasts will be posted at www.utcle.org.

In addition, we continue to offer multiple educational opportunities online—both live and on-demand—by bringing practitioners together virtually. We are fortunate to serve so many of you who strive for excellence in the practice of law.

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The University of Texas School of Law
ATTN: Registration
PO Box 7759
Austin, TX 78713-7759

Fax:
512.475.6876

Questions?
512.475.6700

If you have dietary requirements or would like to request accommodations under the ADA, please contact Customer Service at 512.475.6700 or service@utcle.org at least 10 business days prior to the conference.

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CONFERENCE REGISTRATION

LIVE EVENT REGISTRATION

Special group registration rates available. Call 512.475.6700

Entertainment Law 101 Registration (ETP24)

Includes Electronic Course Binder Download (PDF) in "Your Briefcase."

Please select location type:

- Live, In-Person Event Registration
- Live Webcast Registration

Please select registration type:

- Individual Registration \$195 | \$295 after November 6
- Small Firm (5 or fewer attorneys) Registration \$155 | \$255 after November 6

Entertainment Law 101 Printed and Shipped Binder with Registration (Shipping Included) – Available Through Friday, November 22, 2024

Please Note: Printed binder will arrive 2-3 weeks after the conclusion of the live conference. Delivery to P.O. boxes is not permitted. Binders will not be distributed on-site.

- Printed and Shipped Course Binder \$81.19 (\$75*)

Entertainment Law 101 Webcast Add-on

Register for the in-person conference and add on the webcast format for attendance flexibility.

- Webcast Add-on \$75

Entertainment Law 101 Registration Total \$ _____

Entertainment Law Institute Registration (ET24)

Includes Electronic Course Binder Download (PDF) in "Your Briefcase."

Please select location type:

- Live, In-Person Event Registration
- Live Webcast Registration

Please select registration type:

- Individual Registration \$595 | \$695 after November 6
- Small Firm (5 or fewer attorneys) Registration \$495 | \$595 after November 6

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Please Note: Printed binder will arrive 2-3 weeks after the conclusion of the live conference. Delivery to P.O. boxes is not permitted. Binders will not be distributed on-site.

- Printed and Shipped Course Binder \$81.19 (\$75*)

Entertainment Law Institute Webcast Add-on

Register for the in-person conference and add on the webcast format for attendance flexibility.

- Webcast Add-on \$75

Entertainment Law Institute Registration Total \$ _____

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POST-CONFERENCE PRODUCTS

Entertainment Law 101 eConference – For Texas and California MCLE Credit

Includes Electronic Course Binder Download (PDF) and program video/audio. Available 4–6 weeks after live event. Hours may vary depending on actual event runtime.

- Fundamentals eConference \$295

Entertainment Law 101 Post-Course Binder – For Research and Self-Study

Comprehensive binder with papers and slides, available for delivery 4–6 weeks after live event.

- Electronic Post-Course Download (PDF) \$189.44 (\$175*)
- Printed Post-Course Binder \$243.56 (\$225*)

Entertainment Law 101 Post-Conference Products Subtotal \$ _____

Entertainment Law Institute eConference – For Texas and California MCLE Credit

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- Institute eConference \$695

Entertainment Law Institute Post-Course Binder – For Research and Self-Study

Comprehensive binder with papers and slides, available for delivery 4–6 weeks after live event.

- Electronic Post-Course Download (PDF) \$297.69 (\$275*)
- Printed Post-Course Binder \$351.81 (\$325*)

Entertainment Law Institute Post-Conference Products Subtotal \$ _____

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AUSTIN

November 20, 21–22, 2024

CONFERENCE LOCATION



AT&T Conference Center

The University of Texas at Austin
1900 University Avenue
Austin, TX 78705
877.744.8822 (reservations)

Special Room Rate: \$204
good through October 21, 2024
(subject to availability)

Booking Link & Parking:
Please visit utcle.org/conferences/ET24/#venue
for hotel room block and parking information.

KEY DATES

November 6, 2024

Last day for early registration rates

November 15, 2024

Last day for full refund cancellation

November 18, 2024

Last day for partial refund cancellation
\$50 processing fee applied

November 20, 2024, 12:35 p.m., CT
101 begins

November 21, 2024, 8:20 a.m., CT
Institute begins

November 22, 2024

Last day to order a printed and shipped course binder
with in-person or webcast conference registration.

ENTERTAINMENT LAW 101 AND INSTITUTE FACULTY AND PLANNING COMMITTEE

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TEXAS ENTERTAINMENT AND SPORTS LAW SECTION OF THE STATE BAR OF TEXAS

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. Join today and get involved in the Section's activities. Some of the areas in which you can serve are legislative (state and federal), merchandising, website, social networking, event planning, marketing and more. Section dues are \$30, and membership is from June 1 to May 31. To join, visit your My Bar Page and join online, or download a membership form from TexasBar.com/sections to pay by mail.

