

Texas Bar CLE presents the 12th Annual

# Entertainment Law Institute Legal Aspects of the Film and Music Industries

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

## MCLE Credit

11.5 hours (2 ethics)  
MCLE Course No. 000035655

Applies to the College  
of the State Bar of Texas

**AUSTIN**  
**October 11-12, 2002**  
**Omni Austin Hotel**

**Friday 5.75 hrs. (1.5 hrs. ethics)**

- 8:00 Registration
- 9:00 Welcoming Remarks and Program Introductions  
*Program Director*  
Mike Tolleson, *Austin*  
Mike Tolleson & Associates, Inc.
- 9:15 **The Music Industry Today** .75 hr. (.25 ethics)  
A short film on the State of the Music Industry.
- 10:00 **Rhythm & Rap: What's Happening in the Hood** .5 hr  
A look at the Rap and R&B scenes, Indie deals and taking the music from the neighborhood to the majors.  
John P. Kellogg, *New York*  
Law Offices of John P. Kellogg
- 10:30 --Break--
- 10:45 **The Sound of Musica** .5 hr.  
The politics, economics, and legal issues of the booming latin music business from Tejano to Pop.  
Yocel Alonso, *Houston*  
Alonso, Cersonsky & Garcia, P.C.
- 11:15 **Independent Record Production: The Role of the Indie Producer** .5 hr.  
A presentation on the art of developing talent and selling records.  
Randall Jamail, *Houston*  
President, Justice Records
- 11:45 **Breaking Into Foreign Markets with Indie Product: Fact and Fiction** .5 hr. (.25 ethics)  
Foreign licensing, sub-publishing, touring, and finding markets for Texas music product.  
Al Staehely, Jr., *Houston*  
Law Office of Al Staehely
- 12:15 --Lunch (on your own)--

- 1:45 **Recording Artists v. Record Companies** 1 hr. (.25 ethics)  
A panel of the previous speakers compares experiences and looks at major issues in the recording industry today, such as the California 7 year rule, termination rights, sound recording performance royalties, work-for-hire, domain names, controlled compositions, merchandising, piracy, and the internet.  
*Moderator:*  
Mike Tolleson, *Austin*  
Mike Tolleson & Associates, Inc.
- Panelists:*  
Yocel Alonso, *Houston*  
Alonso, Cersonsky & Garcia, P.C.
- Randall Jamail, *Houston*  
President, Justice Records
- John P. Kellogg, *New York*  
Law Offices of John P. Kellogg
- Al Staehely, Jr., *Houston*  
Law Office of Al Staehely
- 2:30 **Music Publishing: So You Own It, Now What Do You Do With It?** .75 hr.  
Review of various ways to exploit and administer publishing, such as administration deals, sub-publishing, sales, co-publishing, etc. Bug Music has become one of the leading administrators of artist-owned publishing catalogs and represents many Texas-based songwriters.  
David Hirschland, *Los Angeles*  
Bug Music, Inc.
- 3:15 --Break--
- 3:30 **Ethics Review for Entertainment Attorneys** .75 hr. ethics  
Who's the client? What's the scope of the representation? What disclosures need to be made, and what standards must be followed? Are there really answers to these tough questions, or should I just turn in my license now?  
Walter L. Taylor, *Austin*  
Law Office of Walter Taylor
- 4:15 **Copyright in the World of E-Commerce** .75 hr  
An analysis of E-Copyright transactions in computer software, sound recordings, literary works, motion pictures, television and visual arts.  
Laura Lee Stapleton, *Austin*  
Jackson Walker, L.L.P.  
Editor, "E-Copyright Law Handbook"
- 5:00 --Adjourn--  
Don't miss Friday evening events!  
(see next column)

- 6:30 **Speakers' Reception**  
(all registrants welcome)  
*Wild About Music*, 721 Congress Ave.
- 7:30 --Dinner on your own--
- 9:00 **Party & Music Showcase**  
*The Victory Grill*, 1104 E. 11th St.  
(\$10.00 at the door, cash bar)

**Saturday 5.75 hrs. (.5 hr. ethics)**

- 9:00 **Introductions**  
Evan M. Fogelman, *Dallas*  
Chair, Entertainment & Sports Law Section  
State Bar of Texas  
Law Offices of Evan M. Fogelman
- 9:15 **Year in Review: Court Decisions and Legislation Impacting the Entertainment Industry** .75 hr.  
State and federal legislative issues, as well as court rulings on legal malpractice claims against film and television lawyers, attorney conflicts of interest, jurisdiction over film distributors, defamation claims over films, music royalty cases, rights of publicity in music videos and sound recording rights on the internet.  
Stan Soocher, *Denver*  
Editor-in-Chief,  
"Entertainment Law & Finance"  
Chair, Music and Entertainment Industries  
Studies  
University of Colorado at Denver
- 10:00 **Music to Film Buy: How You Get It, What You Pay and What You Say** .75 hr.  
Review of issues involved in acquiring music for motion pictures and audio-visual works; discussion of methods and techniques for keeping music costs within the budget.  
Steve Winogradsky, *North Hollywood*  
President, The Winogradsky Company
- 10:45 --Break--
- 11:00 **Don't Mess With the Bunny, Honey** .75 hr. (.25 ethics)  
The intersection of copyright, trademark and domain names with fair use and free speech including a case study of Playboy's court battles to protect its intellectual property.  
Lawrence A. Waks, *Austin*  
Jackson Walker, L.L.P.
- 11:45 **Motion Picture Rights Acquisition in a Literary Work** .75 hr (.25 ethics)  
Review the rights acquisition process for life stories, fiction and screenplays.  
William Nix, *New York*  
Baker Botts L.L.P.
- 12:30 --Lunch (on your own)--

1:45 **“Music in High Places”** 1 hr.  
Case study of the legal and business aspects of a popular television series & DVD product, featuring music performances shot on exotic locations around the world.  
Henry Root, *Santa Monica*  
Grakal, Root & Rosenthal, LLP  
  
Steve Winogradsky, *North Hollywood*  
President, The Winogradsky Company

2:45 --Break--

3:00 **Funding the Indie Film Project**  
.75 hr.  
Everything you need to know about financing your independent film production.  
Michael Norman Saleman, *Austin*  
Law Offices of Michael Norman Saleman

3:45 **Television Program Funding and Production** 1 hr.  
Lion’s Gate is at the forefront of creative financing for television programs, and utilizes tax credits and shelter benefits, advertiser sponsorships, and other techniques. Learn how they acquire and develop their program series and movies.  
John Drinkwater, *Marina Del Ray*  
Lion’s Gate Entertainment  
  
4:45 --Adjourn--

## REGISTRATION INFORMATION



### SATISFACTION GUARANTEED!

If you are dissatisfied with the course materials for any reason, return them to us with a written request for a full refund.

#### Planning Committee

Mike Tolleson, Chair	Austin
William Nix	New York
Stan Soocher	Denver
Steve Winogradsky	N. Hollywood

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

Evan Fogelman	Chair
June Higgins Peng	Chair Elect/Treasurer
Yocel Alonso	Secretary
J. Edwin Martin	Immediate Past Chair

#### State Bar of Texas

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Antonio Alvarado	Executive Director
Julene Franki	Director, Texas Bar CLE
Ami L. Larson	Program Attorney
Kathy Reese	Sr. Program Coordinator

### Thank You!

Texas Bar CLE and the Entertainment and Sports Law Section of the State Bar of Texas would like to recognize and thank

**BAKER BOTTS L.L.P.**  
**BUG MUSIC, INC.**

for their generous support of this program.

#### Register Early - Save \$20!

We encourage early registrations because they help us ensure that sufficient course books, seating, and refreshments will be available. Registration fees increase two weeks before most presentations.

Registrations are accepted on a space-available basis. As a preregistrant, you will have course materials and seating reserved for you until the start of the first presentation.

#### Payment

We accept checks (no trust/escrow accounts, please) payable to the **State Bar of Texas** or charge to your Visa, MasterCard, AMEX or Discover. If you use a credit card, you may fax your registration to **512/463-7387**. No confirmation will be sent; pick up your name tag and written materials at the program.

#### Are you a member of the Entertainment and Sports Law Section?

This course is cosponsored by the **Entertainment and Sports Law Section** of the State Bar of Texas. If you are a current member of that section, or you agree to join by the date of the presentation, you may register at a special discount. See the registration form for details.

If you wish to join the section, please contact the State Bar’s Sections Coordinator, Kathy Casarez, at 800-204-2222, x1425. Please do not send payment for section membership with your registration fee.

#### If You Register But Cannot Attend

If you would like a refund, mail or fax (512/463-7387) your request so that it is received by us **at least** one business day before the program. Registrants who do not attend will be sent the written materials-if no refund is timely made.

#### Full-Time Judges

Qualifying judges have a non-transferable complimentary attendance privilege, if space is available after admission of all paid registrants. Judges must actually attend to receive the written materials.

Only judges retired under the judicial retirement system and full-time judges may exercise this privilege, **provided the course is directly related to the jurisdiction of their tribunal.**

This privilege does not extend to receivers, trustees, court staff, or persons serving part-time in any judicial capacity.

#### Persons With Disabilities

who need special accommodations to attend should contact us as soon as possible at **1-800-204-2222 x2097**.

#### CPE Credit

Texas Bar CLE is registered with the Texas Board of Public Accountancy to offer courses. The State Bar’s continuing education sponsor I.D. number is 135. CPE credit is calculated on a 50-minute hour. MCLE credit is calculated on a 60-minute hour.



### Reserve Your Hotel Room Early!

Hotel rooms, on a space available basis, have been blocked at special rates. Deadline dates for these rates are indicated below. To make a reservation, call the Austin Film Festival Office at 1-800-310-3378

**Omni Austin Hotel** \$139/night  
700 San Jacinto Deadline: 9/18

**Driskill Hotel** \$165/night  
604 Brazos Deadline: 9/27

**Intercontinental Stephen F. Austin** \$139/night  
701 Congress Ave. Deadline: 9/23

**Holiday Inn Austin Town Lake** \$89/night  
20 N. IH-35 Deadline: 9/25

**Discount on Airfare** is available through Continental Airlines. Call 1-800-468-7002 and reference account code VPTKX5.

**Transportation from the Airport:** SuperShuttle is providing rides from the Airport to conference hotels at a rate of approximately \$10 each way. Call SuperShuttle at 512-258-3826.

## FACULTY

**Mike Tolleson**, Program Chair, has a long-standing practice in the music, motion picture, television and multi-media industries. He represents individuals and companies in connection with their entertainment industry business affairs. He is a former chairman of the Entertainment and Sports Law Section of the Texas Bar and is the founder of the Entertainment Law Institute. He is currently a member of the Texas Recording Academy Chapter Board of Governors.

**Yocel Alonso** has been in private law practice with the Houston firm of Alonso, Cersonsky & Garcia P.C. for over twenty years, representing a diversity of clients in the entertainment business, including recording artists, record companies, publishers, and media personalities. He has worked on issues including venues and transactions, as well as disputes concerning recording agreements, royalties, music publishing, contracts, copyright and other business. He is a member of the State Bar of Texas Entertainment and Sports Law Section Council, the State Bar of Texas and former director of the Hispanic Bar Association

**John Drinkwater** has over twenty years experience in the Los Angeles entertainment industry. He has held senior executive positions at CBS, MCA, MGM/UA, Columbia Records, New Visions, Shukovsky English Entertainment, Paradigm Talent Agency, and has also headed the entertainment department of the Christensen, Miller law firm. In his current position as Executive Vice President of Business and Legal Affairs for Lion's Gate Television, he is involved with the development, financing, production and distribution of all forms of television. He has an undergraduate degree in music and a JD/MBA from the University of Illinois at Urbana-Champaign.

**Evan Fogelman** is chairman of the State Bar of Texas Entertainment and Sports Law Section. He is an expert in publishing law and intellectual property licensing and his literary and media agencies represent over one hundred clients across the spectrum of media. He maintains offices in Dallas and New York and is a frequent speaker on topics of entertainment law and finance. Evan is a graduate of Tulane Law School and completed the Stanford Publishing Program.

**David Hirschland** is Vice President of Business and Legal Affairs at Bug Music, Inc., which provides administration services to many independent and writer-owned publishing companies. While at Bug, David has been instrumental in bringing in such writers as Ryan Adams and Richard Thompson and such catalogs as the Meters and the Estates of Son House, Stevie Ray Vaughan and Al Jackson, Jr. (of Booker T. and the MGs).

**Randall Jamail** is a graduate of Rice University and South Texas College of Law. He is also an inventor and owner of multiple patents for Soundboard® Technology, founder and president of Justice Records, and producer of many recordings by artists ranging from Willie Nelson to Pope John Paul II.

**John P. Kellogg** is in private practice in New York, New York and has represented recording artists such as The O'Jays, The Rude Boys, Men at Large, Shirley Murdock, Mr. Serv On and G-Dep of Bad Boy Records, as well as a number of music production companies and artist managers. His first book, *Take Care of Your Music Business - The Legal and Business Aspects You Need to Know to Grow in the Music Business* was published this spring by PJ's Publishing. While maintaining his law practice, book tour and speaking schedule, he still finds time to perform at resorts near his home in the Poconos.

**William Nix** serves as Special Counsel at the New York office of Baker Botts, L.L.P., and acts as co-chair of its Entertainment, Media and Sports Law Practice Group. William specializes in intellectual property, entertainment, sports and internet/new media law. His clients range from motion picture feature, television and video production companies/producers to directors, actors, screenwriters, authors, musicians, entertainers, and professional athletes and sports agencies.

**Henry W. Root** specializes in music, television, sponsorship, multi-media, and internet law, with particular emphasis and expertise in multi-format exploitation of televised music events, negotiating agreements for radio simulcasts, free, cable, pay-per-view, and syndicated television, soundtrack records, home videos and webcasts. Mr. Root is a director and officer of the California Copyright Conference, a founding member of the Board of Governors of the Academy of Interactive Arts and Sciences, and presently sits on the Executive Committee of the Los Angeles County Bar Association's Intellectual Property and Entertainment Law Section on Music.

**Michael Saleman**, admitted to practice law in California and Texas, has offices in Austin, Dallas and Los Angeles. He represents independent film makers, television producers, writers, actors and other members of the film/television community. His practice includes preparation of private offerings, limited partnerships, and other financing vehicles for independent film projects.

**Stan Soocher** is Chair of the Department of Music & Entertainment Industry Studies at the University of Colorado at Denver. He is also an entertainment attorney and the long-time editor-in-chief of *Entertainment Law & Finance*. In addition, Stan is an award-winning journalist and author of the critically acclaimed book, *They Fought the Law: Rock Music Goes to Court*. ([www.theyfoughtthelaw.com](http://www.theyfoughtthelaw.com))

**Al Staehely, Jr.**, as principal songwriter, lead singer and bass player for the band "Spirit" in the early 1970's, has parlayed that creative experience into a very successful Houston law practice with an international scope. In addition to representing clients in both film and music, Mr. Staehely also finds time to teach music publishing and music business law at the Art Institute of Houston and St. Thomas University.

**Laura Lee Stapleton's** practice is concentrated at the trial and appellate levels in commercial and business litigation, First Amendment and media defense, intellectual property and technology matters, privacy law and pre-publication review. She has been a member of the Texas Association of Broadcasters' Legislative Task Force and serves as an on-call attorney for the Freedom of Information Foundation of Texas Hotline. As an editor and author, Ms. Stapleton has numerous published works, including *The Professional Athlete's Right of Publicity* and *E-Copyright Law Handbook*. She is a partner with Jackson Walker LLP.

**Walter Taylor** is a songwriter and musician who is also a sole practitioner in Austin. His experience and practice have focused exclusively on litigation and he has represented artists, songwriters and music publishers in the protection of their work against infringement; artists and managers in litigation to void or uphold management or other industry related contracts; as well as industry related vendors and service providers on such issues as contracts and collections.

**Lawrence Waks** is a partner with Jackson Walker LLP and represents a broad range of domestic and international clients in the high tech and entertainment industries, including a number of publishing and distribution companies and computer software companies. He has developed substantial experience in litigation involving rights to intellectual property such as copyright and trademark disputes and disputes over publishing and distribution rights.

**Steve Winogradsky**, is the President of Winogradsky Company in North Hollywood, California, which provides music business affairs and legal support for composers, songwriters, music publishers, recording artists, and television, film, video, and multi-media producers. Prior to forming his own company in 1992, Mr. Winogradsky served as Director of Music Business Affairs for Hanna-Barbera Productions, Inc., Managing Director of Music, Legal & Business Affairs for MCA Home Entertainment, Director of Music Licensing and Administration for Universal Pictures and Universal Television, and Vice President of Business Affairs for The Clearing House, Ltd. Steve has been a frequent guest speaker on music publishing and related topics at the Annual Entertainment Law Institutes.





## 9th Annual Austin Film Festival and The Heart of Film Screenwriters Conference

Not only is Austin the “live music capital of the world”, but also it has become a major hot spot for the film industry and only promises to get hotter! Come join us in Austin for this year’s Austin Film Festival. Don’t just watch - be a part of it all!

The Austin Film Festival is dedicated to the writer as the heart of the creative process of filmmaking and showcases more than 80 writers, directors, actors, producers, agents, and studio executives in a series of presentations, panel discussions, craft sessions, and roundtables. In addition, the Film Festival offers eight days of film screenings including feature length and short films, with regional and world premieres of critically acclaimed films. Your bonus weekend pass entitles you to all weekend Film Festival events as well as admission to all eight days of film screenings.

### **INCLUDED IN THIS YEAR’S PROGRAMARE:**

#### ***DARREN STAR***

Writer and creator of Beverly Hills 90210, Sex and the City; writer for Melrose Place, and recipient of this year’s 2002 Outstanding Television Writer Award.

#### ***J. J. ABRAMS***

Writer and director. Works include TV’s Felicity and Alias, as well as motion pictures Regarding Henry, Forever Young, and Armageddon.

#### ***PAUL & CHRIS WEITZ***

Writer/directors of About a Boy; directed American Pie.

#### ***ANNE RAPP***

Works include Dr. T and the Women, Cookie’s Fortune.

#### ***BILL BROYLES***

Works include Unfaithful, Castaway, Apollo 13.

**...AND THAT’S JUST TO NAME A FEW!**

### **SPECIAL OFFER**

**Don’t forget to purchase your \$50 BONUS WEEK-END PASS to the Austin Film Festival. Your pass includes:**

- ◆ Unparalleled Access to Industry Professionals
- ◆ Informative Panel Discussions
- ◆ Nationally and Internationally Acclaimed Speakers
- ◆ Screenings of More than 80 Films
- ◆ Access to all Saturday and Sunday Film Festival Events (including Saturday night party)
- ◆ Admission to all 8 Days of Film Screenings

**Call 1-800-310-FEST now to purchase your BONUS WEEKEND PASS!\***

Check out [www.austinfilmfestival.com](http://www.austinfilmfestival.com) for more information.

\*Proof of registration for Texas Bar CLE Entertainment Law Institute required to receive \$50 bonus pass.

**Education by the Bar, for the Bar. <sup>SM</sup>**

**[www.TexasBarCLE.com](http://www.TexasBarCLE.com)**

State Bar of Texas  
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