

14th Annual Entertainment Law Institute

Legal and Business Aspects of Music, Film, and Interactive Entertainment



Live Austin Stephen F. Austin Hotel October 15-16, 2004



Entertainment Law Institute

Legal and Business Aspects of Music, Film, and Interactive Entertainment

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

AUSTIN

October 15-16, 2004

Stephen F. Austin Hotel

MCLE CREDIT

13.5 HOURS (1.25 ETHICS)

MCLE COURSE NO: 000066786

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 16.2 hours.

For their generous support of this program, TexasBarCLE and the Entertainment and Sports Law Section of the State Bar of Texas would like to recognize and thank our sponsors:




Friday, October 15

6.75 hours including .5 hour ethics

8:00 Registration

8:30 Welcoming Remarks and Announcements

Institute Director

Mike Tolleson, *Austin*

Mike Tolleson & Associates

SOUND RECORDINGS

8:45 Distribution and Marketing Strategies for Indie Labels and Artists.

In the rapidly changing world of the music business, new artists and indie labels have many options when it comes to selling records. This panel of indie label and distributor representatives will discuss their strategies and the terms of doing business. 1.25 hrs

Moderator

Yocel Alonso, *Houston*

Alonso, Cersonsky & Garcia

Panelists

Cameron Strang, *Austin*

New West Records

Patrick Clifford, *Austin*

Geoff Cline, *Dripping Springs*
Sovereign Artists

Michael Fitts, *Denver, CO*
Synergy Distribution & Media

10:00 Break

10:15 What's Going on at Major Labels?

The major labels are consolidating, downsizing and reorganizing in the face of shrinking profits and technological changes. How is this impacting the traditional label approach to business? How have their artist agreements been

affected with regard to internet sales, new artist budgets, marketing strategies, artist website sales, and royalty advances? 1 hr

Moderator

Edward Z. Fair, *Austin*

Law Offices of Ed Fair

Panelists

Ken Parks, *New York, NY*

EMI Music

Darryl Franklin, *Los Angeles, CA*
Interscope, Geffen, A&M Records

11:15 Electronic Record Companies - The New Frontier.

The internet has changed the music industry model for selling records. Representatives from cyberspace music companies explain their economic models and ways of doing business. 1 hr

Moderator

Chris Castle, *Los Angeles, CA*

Akin, Gump, Stauss, Hauer & Feld

Panelists

Kevin Saul, *Cupertino, CA*

Apple Computer, Inc.

John Jones, *New York, NY*

MusicNet

Lucas Mann, *Emeryville, CA*
Clique, Inc.

12:15 Lunch on Your Own

1:30 What's New at TexasBar.com and TexasBarCLE.com. Learn about new benefits from your State Bar. .25 hr

MUSIC PUBLISHING

1:45 Music Publishing Basics. Music publishing is a major and growing source of revenue to writers and publishers.

Speakers will review terms of a typical songwriter/publisher agreement, copyright law basics, co-publisher agreements and related negotiable points. *1 hr / .25 hr ethics*
Steve Winogradsky, *North Hollywood, CA*
The Winogradsky Company

Tamera Bennett, *Lewisville, TX*
Bennett Law Office

2:45 Impact of Digital Technology and the Development of Digital Media. Brief introduction to the Digital Millennium Copyright Act and a discussion about the current status of performance, synchronization, and mechanical royalties resulting from recent legislation and new media. *1 hr*

Moderator

Stan Soocher, *Denver, CO*
Editor-in-Chief, "Entertainment Law & Finance"

Panelists

Jeffrey Brabec, *Los Angeles, CA*
Chrysalis Music Group

Neeta Ragoowansi, *Washington, DC*
Sound Exchange

3:45 Break

4:00 Performing Rights Organizations. Representatives from the three performing rights organizations explain their companies' role in the industry, sources of performance revenue for writers and publishers, and new opportunities resulting from performance of music on the internet and mobile devices. *1.25 hrs / .25 hr ethics*

Moderator

Steve Winogradsky, *North Hollywood, CA*
The Winogradsky Company

Panelists

Dennis Lord, *Nashville, TN*
SESAC

Alison Smith, *New York, NY*
BMI

To be announced
ASCAP

5:15 Adjourn

Saturday, October 16

6.75 hours including .75 hour ethics

8:30 Announcements

COURT CASES & LEGISLATION

8:40 Court Cases & Legislation: Year in Review. Review of recent court decisions and legislation impacting the entertainment industry. *.75 hr / .25 hr ethics*
Stan Soocher, *Denver, CO*
Editor-in-Chief, "Entertainment Law & Finance"

MOBILE & INTERACTIVE ENTERTAINMENT

9:25 Mobile Entertainment. Fast new phones come with 3D stereo surround-sound speakers, motion cameras, faster processors, color screens, improved interfaces, and feature games, music, ringtones, and motion pictures. What are the creative and financial opportunities? *1 hr*

Moderator

Ken Parks, *New York, NY*
EMI Music

Panelists

Jeremy Welt, *Los Angeles, CA*
Maverick Records

Ted Cohen, *Los Angeles, CA*
D3 - Digital Development & Distribution / EMI Music

10:30 Break

10:45 Game Development and the Future of Interactive Entertainment.

Interactive game sales now exceed motion picture box office receipts. Virtual worlds are growing in cyberspace as millions of people go online to play. Game soundtracks are featuring established artists. This panel will present an overview of the industry, as well as a discussion about where it is going and the kinds of deals being made. *1 hr*

Moderator

Don Karl, *Santa Monica, CA*
Perkins Coie

Panelists

Fred Schmidt, *Austin*
NCSoft

J.D. Alley, *Redmond, WA*
XBox / Microsoft

ETHICS

11:45 Ethics 101. The State Bar Disciplinary Czar explains how the attorney disciplinary works, including dramatic changes which were the product of the Bar's recent Sunset review. *.5 hr ethics*
Dawn Miller, *Austin*
Chief Disciplinary Counsel
State Bar of Texas

12:15 Lunch on Your Own

MOTION PICTURES

1:30 The Role of the City in Developing an Entertainment Industry .25 hr
Jim Butler, *Austin*
Manager, Creative Industries Development City of Austin

1:45 Acquiring the Screenplay. Understanding the Writer's Guild rules, screenplay option agreements and work for hire agreements. *.75 hr*
Brenda Feigen, *Los Angeles, CA*
Feigen Law Office

2:30 Securing an Actor. How to negotiate a deal with an established actor and the terms of a SAG agreement at various budget levels; dealing with agents and the "pay or play" provisions in actor agreements. *.75 hr*
Marilyn R. Atlas, *Los Angeles, CA*
Marilyn Atlas Management

3:15 Break

3:30 Acquiring the Music. Who pays the piper and how much? Finding the right music at the right price for your film. *.5 hr*
Dan Butler, *Los Angeles, CA*
Warner Bros. Films

4:00 The Film is in the Can: Now What? .5 hr
John Pierson, *Austin*
Rainy Pictures

4:30 DVD Distribution Deals. Given that many indie films never go to theatrical release, DVD distribution is often the only alternative. A review of the major deal points and issues. *.75 hr*
To be Announced

5:15 Adjourn

FACULTY

MIKE TOLLESON, Institute Director, has a long-standing practice in the music, motion picture, television and digital-media industries. He is a former chairman of the State Bar of Texas Entertainment and Sports Law Section and the founder of the Entertainment Law Institute. For more information see www.miketolleson.com.

J.D. ALLEY is Creative Director for Project Leo, an internal Xbox R&D project for the Microsoft Games Studio. He has been actively leading a conversation with a wide section of the creative community both in the U.S. and Europe focused on the development of new forms of interactive entertainment.

YOCEL ALONSO represents a diversity of clients in the entertainment business, including recording artists, record companies, publishers, media personalities, venues and promotion companies, the majority of which involve Latin music. He is a member and current Chair of the State Bar of Texas Entertainment and Sports Law Section Council, and former director of the Hispanic Bar Association.

MARILYN R. ATLAS is an award-winning producer and personal manager. Among her credits as a producer are "Real Women Have Curves" for HBO, which won the Audience Award at the Sundance Film Festival. As a casting director for feature films, her credits include John Frankenheimer's "The Equals" and "The Wiz."

TAMERA BENNETT has been actively involved in the music and entertainment industry for over fourteen years. Prior to becoming an attorney, she worked for numerous music publishers in Nashville in the fields of copyright and royalty management and administration.

JEFF BRABEC is Vice President of Business Affairs for the Chrysalis Music Group. Brabec co-authored with his brother Todd, Executive Vice President of ASCAP, of the book "MUSIC, MONEY, AND SUCCESS: The Insider's Guide To Making Money In The Music Industry".

DAN BUTLER presently serves as Warner Bros. Pictures VP of Business & Legal Affairs for Music, where he negotiates and drafts a complete range of music agreements for composers, songwriters, co-publishers, music supervisors, recording artists and record producers. He has helped put together soundtrack albums for "The Matrix," "Rock Star," and others, and also handles the music deals for all of Warner Bros. Animation, projects, such as "Scooby-Doo," and "Batman."

JIM BUTLER is the Manager of Creative Industries Development for the City of Austin. His job is to find the most effective ways that the city government can make Austin better by working with individuals, companies, and non-profits involved in music, film, and technology.

CHRIS CASTLE is an attorney representing artists, record producers, major and independent record labels, music publishers, and music industry executives and technology companies in the music group at Akin Gump in Los Angeles.

PATRICK CLIFFORD, artist management and record company consultant, recently relocated to Austin after 25 years as Vice President A&R for a number of major labels including the BMG/RCA Record Group, Capitol Records, A&M Records, Chrysalis Records and Epic Records.

GEOFF CLINE has practiced law in private practice, as General Counsel for Patagonia, Inc. and Assoc. General Counsel for House of Blues. Recently, he and colleagues formed Sovereign Artists, Inc. a new record company with new studio albums by Heart and Buddy Holly's band, The Crickets, released in Summer, 2004.

TED COHEN As Senior Vice President of Digital Development & Distribution for EMI Music, Mr. Cohen oversees worldwide digital business development for this "big five" record company which includes labels such as Capitol, Virgin, Angel/Blue Note, Parlophone and Chrysalis.

EDWARD Z. FAIR is an Austin-based attorney whose practice involves all aspects of music, film, television, and the Internet.

BRENDA FEIGEN represents clients in the motion picture, television and literary fields, including rights owners, writers, directors and authors. She was a producer of "Navy Seals" (Orion, 1990) and is a frequent lecturer on subjects ranging from the respective roles of agents and attorneys to the contents of different kinds of entertainment-related contracts.

MICHAEL FITTS is president of Synergy Distribution and Media which was launched in 2002 as an independent record label distribution company. Recently, it has begun to distribute video/DVD product and is based in Boulder, Colorado.

DARRYL FRANKLIN is a Senior Business and Legal Affairs executive at Interscope, Geffen, A&M Records, part of the Universal Music Group base in Los Angeles where he handles the day to day affairs of Tupac, Snoop Dogg, and Black Eyed Peas among others.

JOHN JONES is Vice President of Programming, Artists and Label Relations at MusicNet, an online music delivery service, where he is responsible for managing relationships with MusicNet's music partners, including major and independent labels and managers.

DON KARL is a partner in the Emerging Companies and Technology Group of Perkins Coie LLP's Los Angeles office. Mr. Karl provides clients in the technology, entertainment and new media industries guidance and advice on issues relating to corporate finance, mergers and acquisitions, joint ventures and strategic relationships. He has represented motion picture studios, record labels and telecommunications and electronics companies in a wide variety of matters involving new media/technology, including online and other digital distribution of motion pictures, music and games.

DENNIS LORD is the Senior Vice President of Business Affairs at SESAC. Lord works with SESAC's Writer/Publisher Relations staff in a creative capacity, focusing across all musical genres, as well as in film and television. He was also a founding council member and a past president of the Americana Music Association.

LUCAS MANN has spent the past ten years in new media and street marketing positions at Capitol Records, Island Def Jam, and Warner Brothers Records. Mann is a pioneer in bridging the U.S. music industry with new media and also worked with Senator Barbara Boxer as special consultant on issues surrounding digital rights management and artist rights. He is president of Clique, Inc., whose top clients include Linkin Park, KoRn, Universal Music Group, and Warner Music Group.

DAWN MILLER has been with the State Bar of Texas since April of 1987, where she currently serves as Chief Disciplinary Counsel.

KEN PARKS is Vice President, Legal and Business Affairs, Digital Development and Distribution, EMI Music, New York.

JOHN PIERSON, author of "Spike, Mike, Slackers & Dykes: A Guided Tour Across A Decade of American Independent Cinema", has played a pivotal role in bringing the work of first time filmmakers like Spike Lee, Michael Moore, Kevin Smith and Richard Linklater to the screen.

NEETA RAGOOWANSI is the Director of Membership for SoundExchange, a non-profit organization designated by Congress to collect digital performance royalties on behalf of recording artists and sound recording copyright owners (typically record labels). Neeta is also an entertainment attorney, musician, singer, songwriter and member of the Board of Governors of the DC chapter of the Recording Academy®.

KEVIN SAUL is Vice President, Business Affairs, at Apple Corporation's iTunes.

FRED SCHMIDT is Vice President, Marketing and Sales, North America, for NCSOFT, the world's leading developer and publisher of online multi-player role playing games, with headquarters in Seoul, South Korea.

ALISON SMITH, Senior Vice President, Performing Rights at BMI, is an integral part of the executive team that oversees the BMI royalty distribution system, both foreign and domestic, and is considered an expert of performing rights administration.

STAN SOOCHER is Associate Professor, in 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.

CAMERON STRANG is the founder of New West Records with offices in Los Angeles and Austin which is distributed by RED. New West features releases by artists such as John Hiatt, Delbert McClinton, The Flatlanders, Billy Joe Shaver, John Dee Graham, and Steven Bruton. Cameron is also a Canadian barrister originally from Vancouver.

JEREMY WELT is head of New Media, Maverick Records.

STEVE WINOGRADSKY from North Hollywood, California is the President of Winogradsky Company which provides music business affairs and legal support for composers, songwriters, music publishers, recording artists and television, film, video and multi-media producers.



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FREE online benefits for course registrants!

As a registrant at this course, you get TWO new benefits—at no extra charge. First: streaming video and audio versions of the lectures will be available online. Second: the course materials will be available for viewing online or downloading.

Enjoy these benefits by logging on to www.TexasBarCLE.com. (If you are not a registered user of the site, become one by clicking on **Login** and following the instructions.)

To access the videos, look under **Your Online Classroom** and click on **Free Classes from Seminars You've Attended**. With over 700 hours in a variety of areas, the Online Classroom is your best source for convenient, high-quality CLE.

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We're pleased to offer these benefits at no extra cost to our registrants, soon after the course.* See the reminder insert in the front of the course materials!

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*Additions to the Online Classroom require 6-8 weeks after the live course; additions to the Online Library, 4-6 weeks.

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.

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, course materials and seating will be reserved for you until the start of the first presentation.

Payment

Please pay by check (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 nametag and program materials at the seminar.

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 become one by the date of the presentation that you plan to attend, you may register at a special discount (see the registration form). If you wish to join the section, 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

Please mail or fax (512/463-7387) your refund request so that it is received by us at least one business day before the program. Registrants who do not attend, or timely request a refund, will be sent the written course materials.

Qualifying Judges

Judges may attend on a complimentary basis, provided (1) the course is directly related to the jurisdiction of their tribunal, (2) they are full-time judges or judges retired under the judicial retirement system and (3) space is available after admission of all paid registrants. Judges must actually attend to receive course materials. This non-transferable privilege does not extend to receivers, trustees, court staff, or persons serving part-time in any judicial capacity.

Persons With Disabilities

For arrangements, or if you need any special accommodations to attend, please call 1-800-204-2222 x2097 in advance of your arrival.

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 Megan Tunnell with the Austin Film Festival Office at 1-800-310-3378.

Stephen F. Austin Hotel

701 Congress Avenue
\$154 single/double Deadline: Oct. 1

Driskill Hotel

604 Brazos Street
\$165 single/double Deadline: Oct. 1

Discount on Airfare is available through American Airlines. Call 1-800-433-1790 and reference Starfile #26H4AS.

For additional information on location and directions to the Stephen F. Austin hotel, please visit www.austin.intercontinental.com.

Planning Committee

Mike Tolleson, Chair	Austin
Yocel Alonso	Houston
J. Craig Barker	Austin
Tamera Bennett	Lewisville
Robert R. Carter Jr.	Austin
David Garcia Jr.	San Antonio
Stan Soocher	Denver
Steve Winogradsky	North Hollywood

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Tamera Bennett	Chair Elect/Treasurer
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Register early and save \$20!

Registration fees go up 2 weeks before the program date, so register early and save! By doing so, you help us ensure that sufficient course books, seating and refreshments are available—and you save \$20.

Use this form or register online

Want to register early and save \$20 — but running out of time to get the form and payment in? Register online at www.TexasBarCLE.com or call us at: 1-800-204-2222 x1574.

Registration Form

Entertainment Law Institute

8095-1

1 Check all applicable boxes below to calculate your fee:

- \$295 LIVE Site**
- SUBTRACT \$20** if registering on or before October 1, 2004.
(If registration is by mail, date of postmark will determine if this fee applies.)
- Subtract \$25** if licensed two years or less **-OR-** member of the Entertainment and Sports Law Section **-OR-** member of the State Bar College
- No charge** for Qualifying Judge

2 My registration fee after all calculations: \$ _____

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I can't attend; please send course materials to above address.

(Please include a street address, not a P.O. Box.)

Course Books \$145 each † **Quantity:** _____

NOTE: Online versions (PDFs) of the course materials will be available approximately 4-6 weeks after the course. Check the OnLine Library at www.TexasBarCLE.com

†Plus \$15.00 postage/handling per order for books and 7.25% tax (8.25% for Austin address) on total. Book orders filled approximately 4-6 weeks after first live program. You will be billed unless you authorized a credit card charge above.

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Questions?

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in Austin: 463-1463

Be sure to take advantage of special film festival discount passes available only to TexasBarCLE Entertainment Law registrants. (See back of brochure for more details.)

Producer's Pass

Panel Discussions
Exhibit Hall
Meet and Greets
WGA,e Mixer
Film Screenings for all 8 nights
Opening Night Premier
Governor's Mansion BBQ Supper
Filmmaker's Happy Hour
Closing Night Premier
Conference Closing Wrap Party

CLE Networking Pass

WGA,e Mixer
Filmmaker's Happy Hour
Opening Night Premier Party
Film Screenings for all 8 nights
Governor's Mansion BBQ Supper
Conference Closing Wrap Party

11th Anniversary Austin Film Festival 2004

Don't miss the 11th anniversary of the Austin Film Festival, October 14-21, in Austin, Texas! In addition to its reputation for being the "live music capital of the world," Austin has become known as the "third coast" due to its thriving and rapidly growing film industry. Don't just watch – be a part of it all!

As the first event of its kind to focus on the writer, the Austin Film Festival's Heart of Film Screenwriters Conference provides unique access to the most tremendous talents in the industry. Emerging writers who attend the Conference discover a wealth of opportunities to mingle with their idols and peers while networking with the many producers, development executives and agents who attend annually. Nowhere else are great screenwriters more celebrated or sought after than at the Austin Film Festival. Every October the Festival recognizes the writer's contribution to the film and television industries through its panel discussions and film screenings, all geared toward championing the craft of narrative expression in motion pictures and television.

This year's Conference will showcase more than seventy-five writers, directors, producers, actors and studio executives, who will share their experience and expertise in over seventy panels, craft sessions, roundtables and other special events. The Conference is a rewarding, encouraging and fun experience for beginners and professionals alike. Its rich atmosphere provides an excellent setting for business and pleasure. Its scope and diversity ensure the discovery of breakthrough talent, the birth of new careers, and the growth of exciting contacts and friendships. For writers, the climate of camaraderie and exchange created by the Conference is both incredible and indispensable.

Check out www.austinfilmfestival.com or call 1-800-310-FEST for more information.

Be sure to take advantage of these special Austin Film Festival Discount Passes

** exclusively for Entertainment Law registrants

Producers Pass* \$295 (regular price = \$650)

This is the real deal premier pass and includes admission to the following:

- Panel Discussions
- Exhibit Hall
- Meet and Greets
- Film Screening for all 8 nights
- Opening Night Premier
- WGA,e Mixer
- Filmmaker's Happy Hour
- Governor's Mansion BBQ Supper
- Closing Night Premier
- Conference Closing Wrap Party

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This pass provides the perfect opportunity to network with your colleagues in the business and have lots of fun in the process! This special pass (available only to CLE registrants!) includes admission to:

- Opening Night Premier Party
- Film Screening for all 8 nights
- Governor's Mansion BBQ Supper
- WGA,e Mixer
- Filmmaker's Happy Hour
- Conference Closing Wrap Party

*Certain special events may require an additional purchased ticket. Individual passes are for one person only and do not include a guest.

**Passes available by phone only at 1-800-310-FEST and require proof of registration for the 2004 TexasBarCLE Entertainment Law Institute.



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