

33rd Annual Entertainment Law Institute
November 9-10, 2023 • AT&T Conference Center • Austin, TX
November 9-10, 2023 • Live Webcast

Thursday Morning, Nov. 9, 2023

Presiding Officer:

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

7:30 am	Registration Opens Includes continental breakfast.
8:20 am	Welcoming Remarks
8:30 am 1.00 hr 0.25 hr ethics	Name, Image, and Likeness (NIL) in College Sports, Year Three A discussion of where things stand in the world of NIL and where they could be headed. Topics include NCAA policy, state and federal legislation, IRS and tax issues, international student-athletes, donor collectives, group licensing, and more. Moderator: Daniel Hare, Varsity Search and Baylor University - Waco, TX Panelists: Jeremy M. Evans, California Sports Lawyer - Newport Beach, CA Jessica Presnall, Big 12 Conference - Irving, TX
9:30 am 0.75 hr	On The Road Again: Legal Issues with Music Touring Whether they're taking an Econoline van or a Gulfstream private jet, your music clients are bound to have questions relating to their tours. From insurance coverage to crew agreements to immigration issues and more, discover what you need to know to advise your clients properly. Stephen Henderson, Cassels Brock & Blackwell LLP - Toronto, ON Vikram O. Kadiri, Bell Nunnally & Martin LLP - Dallas, TX David Shotts, Marsh McLennan Agency - Dallas, TX
10:15 am	15-Minute Break
10:30 am 1.00 hr 0.25 hr ethics	Case Law Update An annual roundup of notable court rulings, including Texas judicial decisions, that impact the practice of entertainment law. Stan Soocher, Entertainment Law & Finance - Denver, CO

11:30 am 0.75 hr	Intro to AI: Registering Works that Incorporate Artificial Intelligence <p>The last year has seen a dramatic expansion in the use of generative AI technologies, which has prompted questions about the copyrightability of AI-generated works. Get up to speed on the U.S. Copyright Office's AI initiative, walk through the Office's views on registering works generated in whole or in part by AI, and answer some frequently asked questions.</p> <p>John R. Riley, U.S. Copyright Office - Washington, DC</p>
12:15 pm 0.25 hr ethics	Chatting ChatGPT <p>Get a fast-paced introduction to emerging AI technologies that lawyers need to know about, including a demonstration of these breakthroughs with a focus on the risks of using these technologies without understanding how they work.</p> <p>Stephen Henderson, Cassels Brock & Blackwell LLP - Toronto, ON Brent A. Turman, Bell Nunnally - Dallas, TX</p>
12:30 pm In Austin Only	Pick Up Lunch (in Austin) <p>Included in registration.</p>

Thursday Afternoon, Nov. 9, 2023

Presiding Officer:

Gwendolyn Seale, Mike Tolleson and Associates - Austin, TX

TEXAS STAR AWARD AND LUNCHEON PRESENTATION

12:50 pm	Texas Star Award Presentation
1:00 pm 0.75 hr	Legal and Business Concerns in True Crime Podcasting <p>Gordon Firemark, The Podcast Lawyer™ provides an in-depth analysis of the legal landscape, issues and considerations that arise when producing true crime podcasts, including intellectual property, plagiarism, defamation, privacy concerns, and more. Gain valuable insights that can be applied to your practice and clients in the podcasting industry.</p> <p>Gordon P. Firemark, Law Offices of Gordon P. Firemark - Los Angeles, CA</p>
1:45 pm	15-Minute Break
2:00 pm 1.00 hr 0.25 hr ethics	Protecting an Artist's Legacy with Estate and Intellectual Property Succession Planning <p>Discover the untold consequences of neglecting estate and IP succession planning as a recording artist/songwriter and delve into the complex web of copyrights, trademarks, and publicity rights arising posthumously. Hear practical steps and real-world examples to make a plan and to tackle a failure to plan.</p> <p>Tamera H. Bennett, Bennett Law Office, PC - Lewisville, TX Daniel L. White, Ward White PLLC - McKinney, TX</p>

3:00 pm 1.00 hr 0.50 hr ethics	<p>Tales from the Trenches: Recurring Litigation Practice Minefields in Entertainment Law Cases</p> <p>Enjoy tales of litigation in entertainment and media cases including net profits in motion pictures and TV, theft of idea and copyright infringement cases, libel, and class actions against record companies, talent unions and movie studios.</p> <p>Moderator: Stan Soocher, Entertainment Law & Finance - Denver, CO</p> <p>Panelist: Neville L. Johnson, Johnson & Johnson LLP - Beverly Hills, CA</p>
4:00 pm	<p>Adjourn to Networking Reception</p> <p>Join us for drinks and hors d'oeuvres with program faculty and attendees.</p>

Friday Morning, Nov. 10, 2023

Presiding Officer:

Brent A. Turman, Bell Nunnally - Dallas, TX

8:00 am	<p>Conference Room Opens</p> <p>Includes continental breakfast.</p>
8:30 am 1.00 hr	<p>LIVE EDITION! Entertainment Law Update Podcast</p> <p>Join us for a special live edition of the Entertainment Law Update Podcast, where you'll get an exclusive behind-the-scenes look as co-hosts Tamera Bennett and Gordon Firemark produce the November episode of our groundbreaking podcast. Don't miss this unique opportunity to see the magic happen and stay up-to-date on the latest legal developments in the entertainment industry!</p> <p>Tamera H. Bennett, Bennett Law Office, PC - Lewisville, TX Gordon P. Firemark, Law Offices of Gordon P. Firemark - Los Angeles, CA</p>
9:30 am 1.00 hr	<p>Drafting Fair Use, Defamation and Other Rights Clearance Opinion Letters for Your Productions</p> <p>What do clearance attorneys need to think about when drafting opinion letters regarding rights issues for their clients? Hear from an expert who has written rights clearance opinion letters for hundreds of projects, ranging from true crime documentaries to scripted films based on or inspired by true stories. Learn what clients, insurance companies, distributors and other stakeholders come to expect when reviewing an opinion letter for films and television programs.</p> <p>Christopher Perez, Donaldson Callif Perez LLP - Los Angeles, CA</p>
10:30 am	<p>15-Minute Break</p>

10:45 am
1.00 hr

Navigating the Complexities of Copyright Termination and Recapture Rights

The realm of termination and recapture rights under the U.S. Copyright Act presents a labyrinth full of pitfalls for practitioners which can result in their clients losing their "second bite at the apple." Hear an overview of Sections 203 and 304 of the Copyright Act, discuss the termination process in the context of music from providing notice to potentially settling and negotiating new deals with publishers and labels, and examine the results of recent court cases in this ever-evolving area of copyright law practice.

Adam Rich, Davis Wright Tremaine LLP - New York, NY
Gwendolyn Seale, Mike Tolleson and Associates - Austin, TX

Friday Afternoon, Nov. 10, 2023

Presiding Officer:

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

11:45 am
In Austin Only

NETWORKING LUNCH AND MENTORSHIP OPPORTUNITY (In Austin Only)

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.

1:00 pm
1.00 hr
0.50 hr ethics

Navigating the Minefield of AI-Generated Content

The spread of generative artificial intelligence has raised a host of questions in areas of law spanning copyright, right of publicity, privacy and others. Hear perspectives on those emerging questions and where the law may be headed.

Moderator:

Ken Pajak, Pajak Law, PLLC - Austin, TX

Panelist:

Sy Damle, Latham & Watkins LLP - Washington, DC

Ken Doroshov, Recording Industry Association of America - Washington, DC

2:00 pm

15-Minute Break

2:15 pm
1.00 hr

The Impact of *Warhol v. Goldsmith*: In Conversation with Lynn Goldsmith

In May of 2023, the US Supreme Court released its landmark decision in *Andy Warhol Foundation v. Lynn Goldsmith*. Join Lynn Goldsmith herself in conversation with photography attorney Thomas Maddrey, and hear the story behind the case that signals a generational shift in what courts deem "transformational" use.

Moderator:

Thomas Maddrey, American Society of Media Photographers - Dallas, TX

Panelist:

Lynn Goldsmith, Lynn Goldsmith Photography - Nashville, TN

3:15 pm 1.00 hr 0.25 hr ethics	<p>Everything's Bigger in Texas! A Texas Live Event GC Roundtable</p> <p>Explore legal issues facing major entertainment events, from the bid process through the after-action report, and look behind the curtain at what goes into the show.</p> <p>Moderator: Stephen Starks, Live Nation Entertainment - Dallas, TX</p> <p>Panelists: J. Carlos Kuri, SXSW - Austin, TX Monica Paul, Dallas Sports Commission - Dallas, TX</p>
4:15 pm	Adjourn
	<p>TESLAW'S TOP EVENT PICK!</p> <p>Faculty member, Lynn Goldsmith, will host a photography exhibit at Modern Rocks Gallery on Friday 11/10 from 6:00-9:00 p.m.</p>