

Pro Bono Update

By Elissa D. Hecker, Carol Steinberg, Kathy Kim and Irina Tarsis

Pro Bono Steering Committee

History

In 2002, Elissa D. Hecker created the Pro Bono Steering Committee and Elisabeth K. Wolfe was its first Chair. Since then, our mission has been to make pro bono resources available to all EASL members, and to be a leader in pro bono efforts for the NYSBA. Over the years we have had excellent members of our Steering Committee (in addition to Elissa and Elizabeth), including Kathy Kim, Philippa (Pippa) Loengard, Monica Pa, Christine Pepe, Carol Steinberg, and Irina Tarsis.

In 2003, EASL was instrumental in lobbying for the expanded definition of “pro bono” to include legal work provided to individual artists as well as arts-related and educational organizations. We were so proud soon thereafter when that definition was successfully expanded. There is now a greater need than ever for legal help within the arts communities, and the goal of the Pro Bono Steering Committee is to have every EASL member be able to offer pro bono services to those who are in need.

Clinics and Legal Assistance

Over the past decade, EASL has run Pro Bono Legal Clinics with Volunteer Lawyers for the Arts (VLA), the Directors Guild, Actor’s Equity, Dance/NYC, and New York Foundation for the Arts (NYFA). Our pro bono efforts were recognized by Volunteer Lawyers for the Arts, when the EASL Section received the VLA Arts Law Clinics Pro Bono Service Award. EASL also encouraged the IP Section to create its own Pro Bono Committee, and together the Sections provide pro bono opportunities for members during every Clinic.

Recognizing that the lack of malpractice insurance coverage was a barrier to attorneys becoming involved with pro bono, the EASL Section acquired malpractice coverage for its Clinic volunteers, and a few years ago invited the IP Section to partner with it under the yearly policy. Malpractice coverage has since been provided for those who needed it during each Clinic. Participation increased dramatically when EASL and IP Section members learned that malpractice insurance was available.

Referral Service

The Pro Bono Steering Committee also tries to assist those struggling artists whose issues are not resolvable in a Clinic by matching them with experienced attorneys who may be willing to accept their issues either pro bono or for a reduced fee. This includes both transactional and litigation matters. In 2011, we expanded our legal as-

sistance to include litigation pro bono. To this effect, we have a list of attorneys available to consult.

In addition, legal needs are not limited to entertainment, art or sports-related issues. The Pro Bono Steering Committee is working to create a directory of attorneys able to help artists and entertainers with matters outside the scope of EASL practice areas.

Speakers’ Bureau

Over the years, many artist organizations and art schools informally asked EASL members to be speakers and provide programs on various legal issues. We realized that there was a great need to provide legal education and that artist/entertainer groups were hungry for an understanding of basic legal issues that govern their creative works. Recognizing that the expertise among EASL attorneys was vast and varied, and that there were many attorneys who generously spoke on a pro bono basis, we set up a Speakers’ Bureau to coordinate the list of attorneys by subject area and expertise. This outreach to New York-based arts and entertainment communities let them know that we could provide speakers on legal issues within EASL’s purview, and to schedule and accommodate their requests.

The Speakers’ Bureau presents programs to educate artists and entertainers on various issues of relevance to their communities. Many experienced EASL members have volunteered their time and expertise to speak to groups throughout the State. In fact, the response to requests to speak has been so overwhelming that often there are more volunteers than needed. Speaking opportunities reach across the spectrum of EASL issues, and we are always interested in reaching new groups and involving new attorney volunteers.

Below are just a few of the programs held from 2011 through 2012 that included Speakers’ Bureau participation:

- Recognizing that designers need to safely pitch their ideas to potential clients, a panel called “Protecting Your Ideas in Tough Economic Times” was presented at The School of Visual Arts (SVA) in New York City.
- Hearing from many artists that their business skills needed to be honed, we also presented a panel called “Setting Up Your Arts Business” to SVA’s students and alumni. A representative from the Graphic Artists Guild covered practical pointers. Speakers’ Bureau attorneys covered the basics of business entities, along with an accountant, and

the basics of contracts, and there was plenty of time for questions.

- Responding to requests from various organizations, we presented programs on “Workmen’s Compensation Issues for Dancers,” and “Copyright and Contracts Issues” for visual artists and writers associated with Fountain House, an organization dedicated to the recovery of people with mental illness.
- We collaborated with EASL’s Fine Arts Committee to present a panel on “Legal Issues for Artists in Bushwick” to kick-off the Bushwick Open Studio Weekend.
- In another collaboration with the Fine Arts Committee, the Speakers’ Bureau co-hosted a program with the Cardozo Art Law Society entitled “Creative Time” at the Benjamin N. Cardozo Law School. Law students were inspired by the organization’s ground-breaking public art and for opportunities to provide pro bono work. The program attracted a wonderful cross-section of students, artists, lawyers, and arts educators, who commented that the program was truly excellent.
- The Speakers’ Bureau offered a program on legal issues facing musicians at the union, Local 802, which is a member of the American Federation of Musicians. Attendees were educated about copyright law and how to protect their artistic works.



audiences. The successes of the program led to many more collaborations between the Pro Bono Steering Committee and NYFA.

We have also provided numerous speakers and group discussion leaders for NYFA’s Boot Camps. For example, in the summer of 2012, NYFA collaborated with New York University on a Boot Camp for performing artists. Jason Aylesworth and Carol Steinberg presented the main lectures on Contracts and Copyright. Then the participants were divided into groups based upon their specific disciplines: music, film, theater, or dance. Other EASL attorneys, including Diane Krausz, Cory Greenberg, David Davoli, and Jason Aylesworth, led the discussion groups, helping the artists apply the contents of the lectures to their specific creative work.

Thank You!

Together with our partnering organizations, the EASL Section’s members help countless New York artists and entertainers to do what it is that they do best—create. Thank you so much for doing your best to help those who cannot afford to pay for counsel.

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For your information, should you have any questions or wish to volunteer for our pro bono programs and initiatives, please contact the Pro Bono Steering Committee member who best fits your interests as follows:

Clinics

Elissa D. Hecker and Kathy Kim are coordinating legal clinics with various organizations.

- Elissa D. Hecker, eheckeresq@eheckeresq.com
- Kathy Kim, kathykimesq@gmail.com

Speakers’ Bureau

Carol Steinberg is coordinating Speakers’ Bureau programs and events.

- Carol Steinberg, elizabethcjs@gmail.com

Litigations

Irina Tarsis is coordinating pro bono litigations.

- Irina Tarsis, tarsis@gmail.com

We are looking forward to working with all of you, and to making pro bono resources available to all EASL members.

Working with NYFA

EASL has formed a creative and professional alliance with NYFA. We have provided speakers for NYFA programs across the state, organizing and coordinating programs, and offering Clinics as part of the development of a productive relationship that should last long into the future.

Our first project with NYFA was a day-long program on legal issues for dancers. The program was directed to participants of NYFA’s BUILD program, which provides administrative and entrepreneurial training for dance companies. The keynote address was delivered by Immediate Past EASL Chair Judith Prowda, about the Martha Graham lawsuit (*Martha Graham School and Dance Foundation, Inc. v. Martha Graham Center of Contemporary Dance, Inc.*, 380 F.3d 624 (N.Y. 2d. 2004)). A representative from the Martha Graham Dance School also addressed the participants. There was a panel on how to deal with contracts, the basics of various business entities, issues facing non-profits, and how to use social networking to increase

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