

Pro Bono Update

By Elissa D. Hecker, Carol Steinberg and Irina Tarsis
Pro Bono Steering Committee

New York State requires both practitioners and law students to provide pro bono services. Since 2002, the EASL Pro Bono Committee has helped its members do so by providing easily accessible opportunities to “do good.”

History

In 2002, Elissa D. Hecker and Elizabeth K. Wolfe created the Pro Bono Steering Committee. 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 Co-Chairs of our Steering Committee, including **Elissa D. Hecker, Kathy Kim, Philippa (Pippa) Loengard, Monica Pa, Christine Pepe, Carol Steinberg, Irina Tarsis, and Elizabeth.**

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. 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, New York Foundation for the Arts (NYFA), and Dance/NYC. Clients assisted during Clinics covering issues including:

- 501(c)(3), LLC/Corp structure issues, choices of entities for incorporation and not-for-profit
- Agreements in general, including collaboration and ownership, and independent contractor language
- Licensing
- General contract questions
- Development of websites, use of social media
- Fair Use
- General entertainment
- Intellectual Property (copyright and trademarks)
- Immigration
- Sexual Harassment



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 we provide pro bono opportunities for our 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 for years, the IP Section has partnered with us 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.

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.

Speakers’ Bureau and Collaboration with EASL’s Fine Arts Committee

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 established a Speakers’ Bureau. This outreach to New York-based arts and entertainment com-

munities 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 participants present 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.

In addition, the Pro Bono Steering Committee collaborates with EASL's Fine Arts Committee to present interesting speakers at Brown Bag lunches. There is no charge, so it enables members to meet esteemed lawyers in the EASL field and to network with each other.

Below are some of the programs that have been held recently. Pro Bono Steering and Fine Arts Committees Co-Chair Carol Steinberg coordinated some of the programs and assisted other EASL members in planning and coordinating others:

- Adrienne Fields, Director of Legal Services at the Artists' Rights Society (ARS), spoke about the scope of her job. She described the fascinating history of ARS, gave a brief description of her background and role at ARS, gave a slide presentation depicting how works of art are used/licensed, and discussed hot topics in art licensing.
- EASL member Amanda Jacobson, an attorney at the City's Department of Cultural Affairs (DCLA), put together a program in which the DCLA's General Counsel and attorneys described in-depth the types of issues they address.
- EASL members Lena Saltos and Elizabeth Urstadt put together a program called "Inside Auction Houses." They enlisted counsel at top positions in the major auction houses, including Christie's, Bonhams, Phillips, and Sotheby's and partners from major law firms that represent the auction houses and clients that deal with them. Instead of individual presentations, Lena and Elizabeth crafted questions for the panelists to address. The program was so successful that they repeated it at EASL's Fall Meeting.
- Nisa Ojalvo, Jill Elliman, and Lena Saltos put together a fascinating panel on "Design Issues." Betsy Pierce talked about representing Alexander

McQueen and Kate Spade and was quite fascinating with anecdotes and personal reminiscence of the noted and sadly deceased iconic designers. Nisa moderated the panel and also asked pointed questions of the panelists.

Ideas for Brown Bag Lunch Programs and/or interest in helping to plan them should be sent to Carol at elizabethcjs@gmail.com.

Working with NYFA

The Pro Bono Steering Committee has produced myriad programs for artists of all disciplines throughout New York City to educate them about their legal rights. Early on, we made a connection with NYFA, when Elissa Hecker read that New York City's Economic Development Corporation had awarded NYFA a grant for Professional Development for Artists. Elissa suggested that the Pro Bono Steering Committee pursue a connection, and Carol reached out to NYFA's then-Director of Education, Peter Cobb, an attorney, arts educator, and jazz musician, and a beautiful working relationship was forged. NYFA began to regularly call on EASL to provide lawyers to speak at their professional development events and contribute to its written materials, including its resource book *The Profitable Artist*. In addition, the Pro Bono Steering Committee and NYFA collaborated to put together some fascinating programs.

Carol Steinberg took the lead on creating these programs. She found that EASL's Executive Committee was filled with bright and eager attorneys who willingly volunteered their time and expertise, and even traveled to remote sections of the boroughs to share their expertise and wisdom.

One of the earliest programs was a day-long program on Legal Issues for Dancers and Dance Companies at New York University. We had an array of fascinating speakers, including the General Counsel for the Alvin Ailey company and the Director of the Martha Graham School, to cover issues such as Intellectual Property for dancers, how and why to form business entities, contracts and negotiations, and the infamous lawsuit involving the rights in Graham's work. The program was a great success and much appreciated by the audience.

The core of NYFA's professional education work consisted of a series of Boot Camps for Artists, which focused on "How to Become a Successful Artist Entrepreneur." Part of every workshop was a lecture on Intellectual Property, contracts, and the formation of business entities. EASL provided esteemed lawyers to speak on these topics. We are still providing speakers for

these programs, including a recent one, which was held for immigrant artists.

NYFA has a working relationship with the Chinese Arts Delegation, made up of the top arts professionals in China, who are actually part of the government. NYFA hosts the delegation when it visits the U.S. each year. EASL put together a day of panels (made up of top lawyers in the EASL fields) for the delegation on one of its first visits. One of the featured speakers was the General Counsel of Lincoln Center, as well as a then-partner from Pryor Cashman who had an active practice with China. During subsequent visits to the U.S. hosted by NYFA for the Chinese Arts Delegation, EASL created additional panels of selected EASL topics for the arts delegation. Further, two of the top members of the delegation had a meeting at the Chinese Embassy with the General Counsel of MOMA and the General Counsel of Lincoln Center, with Carol and Peter. The delegates were most impressed by their U.S. hosts.

NYFA also created a very innovative Arts Business Incubator (ABI) program. Similar to the incubators at business and engineering schools, which nurture upcoming entrepreneurs, NYFA determined that arts companies also needed nurturing and mentoring; NYFA put together a program and EASL provided the legal basics. For each ABI group, EASL provided panels of speakers on legal issues, from Intellectual Property to contracts. The panels were held over a two-day period and once again were greatly appreciated by the participants. Once again, EASL members willingly and enthusiastically volunteered to speak on these panels.

EASL also organized panels on "Legal Issues for Artists," held at various arts organizations throughout the boroughs. One was held at a Bushwick Arts Center and another in conjunction with No Longer's Empty's exhibit at the Bronx County Courthouse. There is a skill involved in making legal issues accessible to artists. Lawyers, as we know, speak our own language, not one that is easily understood by the general public, and certainly not by most artists. As an example, during one of the presentations in Bushwick, an artist audience member interrupted a speaker to ask what the word "infringement" means. Even though this word slipped by, the speakers at these programs made great efforts to present the complex topics in ways that were understood by the artist audience members.

One of the most popular panels was "Estates Issues for Artists." This was held at NYFA with standing room only. Top estates lawyers explained the basics and answered questions from the attendees. Another such

program is being planned, as there is a great demand for information on the subject.

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.

The Pro Bono Steering Committee's active programming is not only a creative endeavor on the part of the producers, but also for all the speakers and participants. We welcome the participation of all EASL members and invite you to contact the Co-Chairs with your suggestions and interests about topics, speaking, and creating programming.

Clinics

Elissa D. Hecker coordinates legal clinics with various organizations.

- heckeresq@heckeresq.com

Speakers Bureau

Carol Steinberg coordinates Speakers Bureau programs and events.

- elizabethcjs@gmail.com or www.carolsteinbergesq.com

Litigations

Irina Tarsis coordinates pro bono litigations.

- tarsis@gmail.com

We look forward to working with all of you, and to making pro bono resources available to every EASL member.