

50 Years: New York Volunteer Lawyers for the Arts

By Amy Lehman

Volunteer Lawyers for the Arts (VLA) is the leading not-for-profit legal services and education organization dedicated to serving New York artists and its arts and cultural organizations, founded in New York in 1969. To achieve this mission, VLA provides its members with pro bono legal representation, legal counseling, and innovative educational programs. Over the last 50 years, VLA has served hundreds of thousands of low-income artists and not-for-profit organizations, facilitating an estimated \$20 million worth of pro bono legal services annually.

VLA provides crucial legal guidance allowing artists to focus on what they do best — their art. In doing so, VLA has fostered the artistic careers of talented artists, such as Twyla Tharp and Tony Kushner. According to a 2011 National Endowment for the Arts report, New York State was home to 221,297 artists and arts workers. By 2015, the Center for an Urban Future reported that there were more than 56,000 artists and 14,145 creative businesses and nonprofits in New York City alone. These artists and arts organizations often grapple with tight budgets and may not have the funds for legal counsel or advice. However, they still have pressing legal needs, including contracts, corporate formation, employment, will



drafting, real estate, immigration, and intellectual property matters. In most cases, legal aid societies do not handle these types of issues.

VLA serves artists from every discipline, with many of our cases involving music, photography, performing arts, visual arts, fashion, and film. For example, we currently have a photographer seeking assistance recovering payment from online publications that are using his photographs without permission. VLA also secured a pro bono attorney for an organization dedicated to improving the social, creative and intellectual lives of teens and young adults on the autism spectrum through theater arts to incorporate as a non-profit and apply for tax-exempt status. In addition, VLA connected a volunteer attorney with the original vocal arranger of a hit Off-Broadway musical who was able to obtain unpaid royalties on a new production of the musical. Furthermore, VLA helped an artist favorably settle a dispute with a museum regarding lost artwork within a six-month period, securing a substantial cash payment.



VLA also offers an array of substantive legal classes and panels to educate its volunteer lawyers on issues affecting artists, and to empower artists to understand their rights. For attorneys, VLA offers Continuing Legal Education classes on arts-related topics for very reasonable fees, taught by attorneys practicing in these areas. VLA hosts many of these programs at the auditorium in its building at One East 53rd Street, in New York City. VLA also presents to students at local arts organizations and schools, such as School of Visual Arts, Fashion Institute of Technology, Julliard, and Tisch/Cooper Union.

In addition, VLA also administers several additional programs:

- **MediateArt**, a dispute resolution program that provides pro bono dispute resolution, contract negotiation and negotiation counseling, which assists the arts community in resolving arts-related disputes, in forming mutually agreeable arrangements among collaborators, and in preparing for negotiation;
- **The Artists Over Sixty Program**, which enables senior artists to obtain legal services, business information, and practical skills that address age-specific





Amy Lehman, Dance/NYC Symposium

issues related to their work, particularly in the areas of estate planning and copyright;

- **The Artist Legacy Project and Emergency Legal Assistance Program**, which, through a partnership with Broadway Cares/Equity Fights AIDS, provides legal and estate planning to artists living with HIV/AIDS free of charge; and
- **The Patent Pro Bono Program**, established with and supported by the United States Patent and Trademark Office, which assists low-income inventors in pursuing patent prosecutions.

VLA also acts as a powerful advocate on behalf of the arts community, by participating in events like Arts Advocacy Day in Washington D.C. and filing amicus curiae briefs in important cases. VLA recently filed an amicus brief with the U.S. Court of Appeals for the Fourth Circuit in connection with *Brammer v. Violent Hues Productions, Inc.*, which concerned the unlawful misappropriation of a photographer's work and a claim of fair use. The Fourth Circuit agreed with VLA's views that the District Court's finding of fair use in favor of the defendant was in error, reversing and remanding the matter. (See article on p.22.)

In order to provide these services, VLA relies on the dedication of a robust pro bono attorney network. Volunteer attorneys may work on their own or in teams to help VLA clients; in particular, pro bono representation

provides opportunities for junior attorneys to directly represent clients under the supervision of senior attorneys, giving them client contact and responsibilities that they might not have in the context of their ordinary practices. VLA is also accredited by New York State to grant Continuing Legal Education credits for completed pro bono work. Due to the variety of VLA matters, pro bono engagements can last anywhere from two weeks to several years, depending on their nature and complexity. If you are an attorney and would like to volunteer with VLA please visit our website at <https://vlany.org/> or email probono@vlany.org.

Amy Lehman is VLA's Director of Legal Services. Her relationship with VLA began as soon as she had the opportunity to volunteer her services as an associate at Fleming Zulack Williamson Zauderer L.P. Through VLA and her own practice, she has gained experience advising clients in non-profit corporate governance, negotiating and drafting contracts and license agreements. Her primary practice has been general commercial litigation, including matters involving art law, media law, employment, intellectual property, constitutional law, real estate, insurance, contract disputes, torts, as well as other disputes.

Amy is a trained mediator with extensive experience working with VLA in the MediateArts program and is on the panel of mediators assigned to resolve cases for the Southern District of New York. She is a member of the Entertainment Law Committee of the New York City Bar Association and is a 2018 and 2019 New York Metro Super Lawyer.

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