NEW YORK STATE BAR ASSOCIATION

Entertainment, Arts & Sports Law Section

Program Co-Chairs:
Alan D. Barson, Esq.
Joyce S. Dollinger, Esq.
Tracey Greco, Esq.
Michael S. Poster, Esq.
Marc S. Reisler, Esq.

NYSBA

The Music Business Law Seminar

-at-

CMJ Music Marathon & Film Festival 2008
Friday, October 24, 2008
Helen and Martin Kimmel Center for University Life
New York University
60 Washington Square South
Richard L. Rosenthal Pavilion, 10th Floor
New York City

Presented by:
The Entertainment, Arts & Sports Law Section
of The New York State Bar Association
-and-
CMJ Network

20 YEARS ENTERTAINMENT, ARTS AND SPORTS LAW

NYSBA

CMJ08 OCTOBER 21-25 NEW YORK CITY MUSIC MARATHON & FILM FESTIVAL

ALL ALONG THE WATCHTOWER

Guiding Clients Through the Confusion and Turmoil Facing the Modern Music Industry

New York State Bar Association's Entertainment Arts & Sports Law (EASL) Section

to Present the

3rd Annual Music Business Law Seminar at

CMJ Music Marathon & Film Festival 2008

The Entertainment Arts & Sports Law (EASL) Section of The New York State Bar Association, in association with CMJ Network, Katten Muchin Rosenman LLP and Sonnenschein Nath & Rosenthal LLP, will once again host the all-day MCLE accredited Music Business Law Seminar on October 24, 2008, to be held at this year's CMJ Music Marathon and Film Festival at New York University in New York City, from October 21-25, 2008. The venue for the Seminar will be NYU's Helen and Martin Kimmel Center for University Life, Richard L. Rosenthal Pavilion.

The music industry continues to evolve in the wake of declining sales of physical product, innovative digital uses, general economic malaise and the need to monetize the ever increasing consumption of music content.

This evolution has led to the development of new business models and forced industry professionals to look for new sources of revenue and re-evaluate their assumptions about doing deals in the music business. In addition, the chaos surrounding this evolution and our current economic climate have created opportunities to launch new ventures, acquire new assets and shed obligations that have dragged promising companies into the mire of economic distress.

In this era of upheaval, it is more important than ever for attorneys in private practice and in-house and media companies to stay current with new legal developments.

The Music Business Law Seminar will feature speakers at the center of the industry discussing critical legal topics affecting the future of the music business. Topics will cover the current major legal and legislative issues related to digital music royalties, licensing music on social networking sites, bankruptcy involving music companies, ethics issues, international music deals and the latest business models in the music industry.

Lawyers attending the seminar will receive 6 New York State MCLE (Mandatory Continuing Legal Education) credits, consisting of 5 in Practice Management and 1 in Ethics which may also be accepted in other jurisdictions.

There has never been a greater need for clarity into the future state of the music industry. This seminar will offer insight into a wide range of critical topics that are more relevant than ever for lawyers to understand to advise their music industry clients.

Special Thanks to our Sponsors

Entertainment Law Initiative

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Sonnenschein
Sonnenschein Nath & Rosenthal LLP

Katten
Katten Muchin Rosenman LLP

SCHEDULE OF EVENTS

Friday, October 24

8:15 a.m. **Morning CLE Sign-in and Breakfast -** Sponsored by **The Harry Fox Agency**

Helen and Martin Kimmel Center for University Life, 10th Floor
(see page 8 for directions)

Breakfast Sponsored by **The Harry Fox Agency**

8:45 a.m. **Welcoming Remarks**
Ken Swezey, Esq.
Chair, Entertainment, Arts & Sports Law Section
New York State Bar Association
Partner, Cowan, DeBaets, Abrahams & Sheppard LLP
New York City

Program Introductions

Joanne Abbot Green
Founder & Executive Producer
CMJ Network, Inc.
New York City

Joyce S. Dollinger, Esq.
Counsel
Dollinger, Gonski and Grossman
Carle Place

Alan Barson Esq.
Immediate Past Chairman
Entertainment, Arts and Sports Law Section
New York State Bar Association
Law Office of Alan D. Barson
New York City

9:00 – 10:00 a.m. **"Show Me The Money: Understanding The Current Controversies Over Broadcast and Digital Music Royalties"**
Amid growing demand for internet radio, interested parties have gone to battle over how royalties should be paid. Disputes continue over performance royalties for terrestrial and Internet radio. DiMA, publishers, labels and others rumble over royalty payments for streams, downloads and other digital uses of music. This panel will examine the current controversies (and anticipated controversies) affecting music royalty schedules and provide some guidance as to how these controversies may be resolved.

Speakers:

Kent J. Klavens, Esq., Moderator
Music Industry Attorney
Law Offices of Kent J. Klavens
(Former Senior Vice President and
General Counsel of Paramount's Famous Music)
Los Angeles, California

Michael J. Huppe, Esq.
General Counsel
SoundExchange
Washington, DC

Barry M. Massarsky
Founder and President
Barry M. Massarsky Consulting, Inc.
New York City

Michael Simon, Esq.
Senior Vice President Business Affairs
General Counsel and
Chief Strategic Officer
Harry Fox Agency
New York City

Ron Wilcox, Esq.
New Media and Business Consultant
(Formerly Executive Vice President
and Legal Affairs Officer of Sony
BMG Music Entertainment)
New York City

Friday, October 24 (continued)

10:00 – 10:10 a.m. **Refreshment Break**

10:10 – 11:10 a.m. **"Social Distortion: Using Music On Social Networking Sites"**
Users on social networking sites like MySpace, Bebo, Imeem, Friendster Facebook and mobile-based services are able to create public or private profiles displaying both original content as well as videos, music and images that are owned by other parties. As a result, various legal issues arise pertaining to a user's right to display or perform the intellectual property of others on his or her profile where it can be seen and heard by other users. This panel will discuss the types of licenses needed to use un-edited third party content, the deals which have been cut between these sites and copyright owners, and the limits of fair use.

Speakers:

Marc S. Reisler, Esq., Moderator
Partner
Katten Muchin Rosenman LLP
New York City

Mark Piibe, Esq.
Global Head of Digital Business Development
EMI Music
New York City

Lisa A. Weiss, Esq.
Partner, Corporate Practice Group
Sonnenschein Nath & Rosenthal LLP
New York City

Elizabeth Moody, Esq.
Associate
Davis Shapiro Lewit & Hayes, LLP
New York City

11:10 – 11:20 a.m. **Refreshment Break**

11:20 a.m. – 12:20 p.m. **"Deals by Genres Here and Abroad"**
The panel will explore the nuances in music recording, publishing and licensing deals in the USA and outside the USA.

Panel Sponsored by the Grammy Foundation's Entertainment Law Initiative

Speakers:

Bob Donnelly, Esq., Moderator
Partner
Lommen, Abdo, Cole, King & Stageberg, P.A.
New York City

David Mantel
Executive Vice President, East Coast
Universal Music Publishing
New York City

Patrik Larsson
Creative Manager, Headlock Management
Stockholm, Sweden

Chris Taylor, B.A., LL.B.
Taylor Mitsopulos Klein Oballa
Toronto, Ontario

12:20 – 1:30 p.m. **Luncheon for CLE Registrants**
Sponsored in part by the **Grammy Foundation's Entertainment Law Initiative**

Keynote Introduction
Scott Goldman
Vice President, Grammy Foundation
and MusiCares
Santa Monica, CA

Keynote Address
Danny Goldberg
President
Gold Village Entertainment
New York City

Friday, October 24 (continued)

1:30 – 2:30 p.m.

"1-800-What-Now: Ethical Issues and Attorney Advertising"
With recent changes to state ethics rules regarding attorney advertising and web based marketing, many practitioners are confused about the limits on their ability to market their practice and skills. This panel will examine these rules and provide guidance on the ethical limits of attorney advertising.

Speakers:

Ronald C. Minkoff, Esq., Moderator
Partner, Litigation Group
Frankfurt Kurnit Klein & Selz, PC
New York City

Monica Pa, Esq.
Associate
Davis Wright Tremaine LLP
New York City

David G. Keyko, Esq.
Partner, Pillsbury Winthrop
Shaw Pittman LLP
(Formerly Chairman of the Professional Responsibility Committee of the Association of the Bar of the City of New York)

2:30 – 2:40 p.m. **Refreshment Break**

2:40 – 3:40 p.m.

"Broke: How The Bankruptcy of a Record Label Creates Danger, Uncertainity and Opportunity"
Both major and indie labels are taking a hit from the music industry's financial slump; one well-established indie label and a prominent rap label have been forced to file, relatively recently, for Chapter 11 Bankruptcy protection. How does the bankruptcy of a label affect artists, licensees and licensors? Are there opportunities for buyers to acquire assets of a bankrupt label, and how does it work? This panel will cover these issues and more as it discusses the ominous intersection of music and bankruptcy.

Speakers:

Brian S. Hermann, Esq., Moderator
Partner, Bankruptcy and Corporate Reorganization Department
Paul, Weiss, Rifkind, Wharton & Garrison LLP
New York City

Marc S. Cohen, Esq.
Chair, Business Reorganization and Creditors' Rights Group
Kaye Scholer LLP
Los Angeles, CA

Beverly A. Berneman, Esq.
Shareholder
Chair of Intellectual Property Practice Group
Querrey & Harrow
Chicago, IL

3:40 – 3:50 p.m. **Refreshment Break**

SCHEDULE OF EVENTS*

Friday, October 24 (continued)

3:50 – 4:50 p.m. **"Partners in Rhyme: How Joint Ventures and Other Economic Models are Reshaping the Industry"**

The days of the traditional artist recording agreement are numbered. With CD sales in steady decline, labels and artists have had to formulate new alternatives to the traditional studio system by creating a variety of joint venture-type agreements for both superstar artists and new acts signing their first label deal. This panel will discuss the risks and benefits of these deals, as well as the range of economic and legal terms often involved.

Speakers:

Michael S. Poster, Esq., Moderator
Partner
Sonnenschein Nath & Rosenthal LLP
New York City

Michael Guido, Esq.
Partner
Carroll, Guido & Groffman, LLC
New York City

Bernard H. Jackson, III, Esq.
Counsel
Dewey & LeBoeuf, Entertainment, Media, and Sports Practice Group
New York City

Tamara Conniff
President of Music Services
Front Line Management Group Inc.
(Formerly Group Editorial Director at Billboard Magazine)
Los Angeles, California

4:50 – 4:55 p.m. **Conclusion, Final Remarks and Announcements**

5:00 p.m. **Program Concludes**

Grateful thanks to Michael Poster, Talia Page and Glenn Herman for their contributions to introduction and panel descriptions.

***Please check the website (www.nysba.org/easlcmj2008) for updates and changes**

Registration Information

The registration fee of $199.00 includes admission to the Music Business Law Seminar only (Friday, October 24, 2008), 6 New York MCLE credits, written course materials, lunch, and refreshments. This option **DOES NOT** include a CMJ Music Marathon 2008 registration.

Please note that if you register after 5:00 p.m. on Wednesday, October 15th or thereafter, including walk up registration an additional amount of fifty dollars ($50.00) will be added to registration fee.

Registration (Pre and On-Site), MCLE Check-in/out, CLE Seminar and Course Materials Location:

Helen and Martin Kimmel Center for University Life
New York University
60 Washington Square South *
Richard L. Rosenthal Pavilion, 10th Floor
New York, New York 10012
212 998-4900

* West 4th Street between Thompson and La Guardia Place. It is on the south side of Washington Square Park.

Important MCLE Information

The New York State Bar Association's Meetings Department has been certified by the NYS Continuing Legal Education Board as an accredited provider of continuing legal education in the State of New York. Under New York's MCLE rule, this program has been approved for a total of up to [6.0] MCLE credit hours.

The breakdown is as follows:

- [5.0] MCLE credit hours in Traditional Areas of Practice
- [1.0] MCLE credit hours in Ethics

This program is NOT transitional and therefore NOT suitable for newly admitted attorneys.

DISCOUNTS AND SCHOLARSHIPS: Attorneys may receive financial assistance to attend this program. Under New York State Bar Association policy, attorneys who require financial assistance may apply in writing, not later than 21 working days prior to the program, explaining the basis of his/her hardship, and, if approved, may receive a discount or scholarship, depending on the circumstances. For more details, please contact: Lori Nicoll, New York State Bar Association, One Elk Street, Albany, New York 12207. lnicoll@nysba.org.

Directions by Subway

Take the Lexington Avenue subway (No. 6 train) to Astor Place Station. Go west on Astor Place to Broadway. Walk south on Broadway to Waverly Place. Walk westward on Waverly Place until you reach Washington Square.

Take the Broadway subway (N, R or W train) to Eighth Street Station. At Broadway walk south to Waverly Place. Walk westward on Waverly Place until you reach Washington Square. * The N runs late at night and weekends. The R does not run late at night.

Take the Sixth Avenue subway to West Fourth Street-Washington Square Station (A, C, E, B, D, F, or V train). Walk east on West Fourth Street until you reach Washington Square. * The A and C don't run late at night, the E, F and V run from 6 a.m. to midnight, the B runs weekdays from 6 a.m. to 9:30 p.m., and the D runs at night.

Take the Seventh Avenue subway to Christopher Street-Sheridan Square Station (1, 9 or 2). Walk east on Christopher Street to West Fourth Street. Continue east to Washington Square. * The 1 and 9 are rush hour only, and the 2 train runs late at night.

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