

**USC GOULD SCHOOL OF LAW  
FALL 2018**

**LAW 648 – SECTION XXX  
TOPICS IN ENTERTAINMENT LAW:  
ENTERTAINMENT UNIONS AND GUILDS**

**Mondays: Sept. 10, 17, 24 and Oct. 1, 2018  
4:00 p.m. – 7:30 p.m.**

**SYLLABUS**

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**Course Description**

This course is about the system of IP-related private law embodied in collective bargaining agreements between entertainment unions and the studios. As such, it will help you solve day to day problems in entertainment law and is essential for anyone contemplating a career in the field. Salary minimums, credits, copyright, working conditions and more are controlled by the union documents.

But while practical utility and surface glitz may be attractants, the material is deeper than a handbook of how-to's. Entertainment labor markets are under stress from labor oversupply, technological change, globalization, winner-take-most income disparities, and subjective success criteria, as well as anti-union activists in the political and legal realm. Those factors demand critical analysis of hard questions about work, fairness, efficiency and regulation.

And although entertainment is more heavily unionized than most of the U.S. economy and is unique in many ways – the twin tropes “Hollywood’s a union town” and “there’s no business like show business” come to mind – the factors torqueing Hollywood are also swirling through most other U.S. labor markets, and have become a critical element of political discourse as well, powering the rise of Occupy Wall Street, Bernie Sanders and Donald Trump.

You’ll see too that your own cohort’s viewing habits – the abandonment of broadcast and cable TV in favor of “Netflix and chill” – is having profound effects on the entertainment industry and its labor relations. Even one of the most unique aspects of entertainment labor, the payment to actors, writers and directors of residuals – i.e., union-mandated royalties, calculated according to a bafflingly complex array of formulas – raises deeper questions than simply the practical. After examining the mechanics through a unique, color-coded system, the course raises a pair of philosophical and historical questions: since the studios finance the content and own the copyrights, why does anyone get residuals? And on the other hand, why doesn’t everyone?

Answering those questions, and others posed by the material, involves a journey back to the New Deal then forward through the decades, while another segment of the course – a case study of an

attempt in New Zealand to unionize local actors on *The Hobbit* – highlights startling international issues behind the scenes of a film many of you enjoyed just a few years ago. As these examples demonstrate, the course is a dynamic blend of practical and philosophical, local and international, historical and recent, and legal and business, and ranges across entertainment law, intellectual property, labor and related areas. I look forward to seeing you there.

### **Required Texts**

Writers Guild of America Minimum Basic Agreement; readings; THE NEW ZEALAND HOBBIT CRISIS; ENTERTAINMENT INDUSTRY RESIDUALS.

### **Credit and Evaluation**

1 credit, graded only. Grade based primarily on in-class final exam, possibly with some adjustment for participation. Attendance is required. Exam will be open or closed book format (TBD) and may be multiple choice.

### **Enrollment**

No enrollment cap. Open to JD and LL.M. students.

### **Prerequisites**

No prerequisites.

### **Topics Covered (Four Sessions)**

1. Foundation
  - a. Overview of the Guilds/Unions
  - b. Small Hobbits, Big Business and the Limits of Union Power
  - c. The WGA Agreement
2. Core Issues
  - a. Credits
  - b. Creative Rights
  - c. Working Conditions
  - d. Initial Compensation
3. Residuals and Other Additional Compensation
4. Additional Topics
  - a. New and Evolving Media
  - b. Separated Rights; Reuse of Literary Material
  - c. Disputes, Negotiations, Strikes and Stalemates

### **Academic Conduct**

Plagiarism – presenting someone else’s ideas as your own, either verbatim or recast in your own words – is a serious academic offense with serious consequences. Please familiarize yourself with the discussion of plagiarism in *SCampus* in Section 11, *Behavior Violating University Standards* <https://scampus.usc.edu/1100-behavior-violating-university-standards-and->

appropriate-sanctions. Other forms of academic dishonesty are equally unacceptable. See additional information in *SCampus* and university policies on scientific misconduct, <http://policy.usc.edu/scientific-misconduct>.

Discrimination, sexual assault, and harassment are not tolerated by the university. You are encouraged to report any incidents to the *Office of Equity and Diversity* <http://equity.usc.edu> or to the *Department of Public Safety* <http://adminopsnet.usc.edu/department/department-public-safety>. This is important for the safety of the whole USC community. Another member of the university community – such as a friend, classmate, advisor, or faculty member – can help initiate the report, or can initiate the report on behalf of another person. *The Center for Women and Men* <http://www.usc.edu/student-affairs/cwm/> provides 24/7 confidential support, and the sexual assault resource center webpage <http://sarc.usc.edu> describes reporting options and other resources.

### ***Support Systems***

A number of USC's schools provide support for students who need help with scholarly writing. Check with your advisor or program staff to find out more. Students whose primary language is not English should check with the *American Language Institute* <http://dornsife.usc.edu/ali>, which sponsors courses and workshops specifically for international graduate students. *The Office of Disability Services and Programs* [http://sait.usc.edu/academicsupport/centerprograms/dsp/home\\_index.html](http://sait.usc.edu/academicsupport/centerprograms/dsp/home_index.html) provides certification for students with disabilities and helps arrange the relevant accommodations. If an officially declared emergency makes travel to campus infeasible, *USC Emergency Information* <http://emergency.usc.edu> will provide safety and other updates, including ways in which instruction will be continued by means of blackboard, teleconferencing, and other technology.