

USC Gould

School of Law

Entertainment Law in Practice Law 690

Units: 2

Spring Semester 2023—Thursdays—10:00 AM – 11:50 AM

Location: USC Law 114

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Course Description

Develops legal, analytical, and client management skills required to represent entertainment industry clients in all areas of the entertainment industry.

In this “hands on” workshop-style course, students will learn the practicalities of practicing entertainment law in a boutique or small law firm, with a focus on the representation of talent (including producers, writers, actors, directors and “below the line” personnel) in the full range of entertainment and content industries. Topics to be covered include client acquisition; client representation (including legal ethics issues); rights negotiation; the unions and guilds; writer, director, and actor agreements; employment of minors; releases needed to portray real people, fictional characters, props, locations, and other things used for the production of entertainment; defamation, invasion of privacy and right of publicity; the intersection of copyright and trademark law as applied to entertainment content; protection of literary material and ideas; acquisition of literary material needed to produce and exploit entertainment content; insurance issues; and collaboration. Students will develop an appreciation of and become aware of the practice of entertainment law in all of its varied forms.

Guest lecturers will be speaking at some of the classes, and may also assess and evaluate the workshop exercises.

Learning Objectives

(a) Knowledge and understanding of substantive and procedural law.

1. Gain proficiency over the subject matter of the course.
- 2.

(b) Legal analysis and reasoning, legal research, problem-solving, and written and oral communication.

b.1. Problem-solving and strategic thinking

1. Identify, frame, and understand client needs, problems, situations, and options.
2. Make sound judgments and offer practical advice based on client objectives.
3. Evaluate client options based on risk assessment.
4. Prioritize claims and issues based on their importance to a client's interest and their relative likelihood of success.

b.2. Written and oral communication in the legal context

1. Write well organized sentences and paragraphs.
2. Write and speak with a clear and concise style.
3. Revise, edit, and proofread writing.
4. Assess the perspective of the recipient of the communication and write and speak appropriately for different audiences (including non-lawyers) and purposes.
5. Give concrete, action-oriented, and well-sequenced advice.
6. Listen carefully to others and ensure comprehension by asking probing questions and interpreting non-verbal cues.
7. Draft basic legal documents, including research memos, emails, briefs, motions, client letters and simple contracts that are well supported by knowledge and research.
8. Interview clients effectively.

(c) Exercise of proper professional and ethical responsibilities to clients and the legal system.

c.1. Ethics

1. Be able to recognize and resolve ethical dilemmas.
2. Know the nature and sources of ethical standards and how they are enforced
3. Act and speak with integrity, candor, and trustworthiness, guided by a strong moral compass.
4. Keep information confidential.
5. Exercise independent judgment.
6. Honor commitments.

c.2. Client relationships

1. Establish counseling relationships that clearly communicate and respect the nature and bounds of a lawyer's role.
2. Counsel the client about decisions to be made and options available.
3. Ascertain and implement the client's decision about the plan/strategy.
4. Keep the client informed about alternative plans/strategies, terms obtained from other side, and consequences of decisions.
5. Internalize the clients' goals, demonstrate sympathy, and take ownership of the clients' problems and needs.

c.3. Professional behavior

1. Take full responsibility for one's work product, always completing it in a professional manner with attention to detail.
2. Meet deadlines, arrive on time for meetings and court appearances, and complete tasks in timely fashion.
3. Communicate with clients, colleagues, opposing counsel, and officials in a respectful, timely and professional fashion and respond promptly to others.
4. Present oneself in a suitable fashion, in manner and attire.

(d) Experience working in and with a diverse community of colleagues and clients.

d.1. Interpersonal and teamwork skills

1. Work effectively with other people, recognize the value of others' contributions, and show respect and consideration for others.
2. Exercise cross-cultural sensitivity in undertaking all tasks and working with others.
3. Recognize the value of others' input, demonstrate respect and consideration for others, and work collaboratively to accomplish mutual goals.

(e) Life-work balance and wellness.

e.1. Awareness of life-work balance and wellness challenges in the legal profession

1. Appreciate the high incidence of stress-related illness and adverse coping mechanisms in the legal profession.
1. Be aware of strategies and resources for addressing life-work balance and wellness challenges.

Prerequisite(s); co-requisite(s), or recommended preparation:

Intellectual Property (Law 772) is required.

Required Materials

There is no text for this course. Handouts will be distributed throughout the course.

Optional Materials

Reading "*Variety*" and "*Hollywood Reporter*" is helpful, but certainly not required.

Description and Assessment of In-Class Work and Assignments

Each class will consist of a combination of lecture, discussion, and exercises such as "role playing" negotiations between "sellers" and "buyers", discussions between lawyer and client, etc. Exercises will be conducted via a group in front of the rest of the class.

Weekly class participation is essential.

Grading Breakdown

In-Class Work and Participation—10%

Assignments—20%

Final Exam—70%

Course-specific Policies

- Be present: Please come to class prepared to participate.
- Show up: It is important to commit to each class session fully out of respect for your professor and fellow classmates.
- Be on time: It is a good idea to arrive at each class at least five (5) minutes before the class is scheduled to start. Coming into the classroom late can be distracting and should be avoided if possible.
- Stay Engaged: Make sure that you pay attention and stay engaged. Avoid checking your email or phone, and do not try to complete other tasks while attending your class. Most importantly, don't forget to ask questions and participate in discussions!

	Topics/Daily Activities	Readings
Week 1	<u>Introduction</u> -Instructor Background -Students' Background -What is Entertainment Law Anyway? -Do I want to Be a Litigator, a Transactional Lawyer, or Both?	None
Week 2	<u>Who is This Person Called an Entertainment Law Client?</u> -How Do I Get and Keep Good Entertainment Law Clients? -What Type of Client Should I Be Looking For? -How Should I Set Up My Practice to Attract Good Entertainment Law Clients? -Should I Do Other Things for My Entertainment Law Clients Besides Entertainment Law?	None
Week 3	<u>Rights! (Camera! Action!)</u> What's a "Right"? Which Rights Are Needed to Produce and Exploit Entertainment Content? How Are Rights Acquired?	Option/purchase agreement
Week 4	<u>Copyright and Trademark Law</u> -What Does Copyright Protect? -What Does a Trademark Protect? -How Do the Laws of Copyright and Trademark Intersect? -How Are Ideas Protected? -Product Placement	-Law Review Article -Cases on copyright preemption
Week 5	<u>Writers, Producers, Directors Actors, and "Below-The-Line" Personnel</u> -How Are Each Compensated? -Are There Differences Between Motion Pictures and Television for Each? -What Does a Producer Do?	TBD
Week 6	<u>The Unions and Guilds</u> -WGA -DGA -SAG-AFTRA -IATSE -Teamsters	-Excerpts from Minimum Basic Agreements for Each of the Guilds -Websites for Each of the Guilds

Week 7	<u>Releases</u> -Location Releases -On-camera appearance -Performance/Portrayal -Sets and Props -Names and Likenesses	TBD
Week 8	<u>Defamation, Right of Privacy, and Right of Publicity</u> -What is Defamation? Libel? Slander? Trade Libel? -How is Someone's Privacy Invaded? -How is the Right of Publicity Infringed? -What is "Anti-SLAPP"?	TBD
Week 9	<u>Grab-Bag of "Stuff"</u> Employment of Minors Insurance in the Entertainment Industry Other	TBD
Week 10	<u>Negotiation and Dispute Resolution</u> -Contentious Negotiation -Mediation -Arbitration -Other Alternative Dispute Resolution Methods Used in the Entertainment Industry	TBD
Week 11	<u>Money</u> -How Is Money Raised to Produce Entertainment Content? -Does Money Really "Talk"? -Follow the Money -Should Entities Be Used for Production and Exploitation of Entertainment Content?	TBD
Week 12	<u>Distribution</u> -Motion Pictures' Theatrical Streaming -Television Broadcast Cable-Basic & Pay Streaming	TBD
Week 13	<u>Representatives</u> -Lawyers -Agents -Managers -Gurus and Hairdressers (Just Kidding)	-California Labor Code §1700 <i>et seq</i> -Guild Franchise Agreements
Week 14	<u>Conclusion</u> -It's A Wrap! -Review of Everything Covered	Nothing and Everything

Statement on Academic Conduct and Support Systems

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 Part B, Section 11, “Behavior Violating University Standards,” <https://policy.usc.edu/files/2020/07/SCampus-Part-B-2.pdf>. Other forms of academic dishonesty are equally unacceptable.

Support Systems:

COVID-19 Emergency Assistance Funds for Students

<https://we-are.usc.edu/faqs/faq-support-funds/>

USC has several resources available for students. Eligible students can apply for assistance from the COVID-19 Emergency Assistance Fund and the USC Student Basic Needs Department (<https://studentbasicneeds.usc.edu/>).

This webpage answers FAQs for each resource and describes important university resources for low-income students:

- 1) food insecurity (<https://studentbasicneeds.usc.edu/resources/food-insecurity/>)
- 2) housing insecurity (<https://studentbasicneeds.usc.edu/resources/housing-insecurity/>)
- 3) tech assistance (<https://studentbasicneeds.usc.edu/resources/technology-assistance/>)

Student Counseling Services (SCS) – (213) 740-7711 – 24/7 on call

Free and confidential mental health treatment for students, including short-term psychotherapy, group counseling, stress fitness workshops, and crisis intervention.

<https://studenthealth.usc.edu/counseling/>.

See also this guide for Gould students to facilitate access to mental health resources on campus: <https://gould.usc.edu/assets/docs/directory/Mental-Health-Services-at-USC.pdf>

National Suicide Prevention Lifeline – 1 (800) 273-8255

Provides free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, 7 days a week. www.suicidepreventionlifeline.org

Relationship and Sexual Violence Prevention Services (RSVP) – (213) 740-4900 – 24/7 on call

Free and confidential therapy services, workshops, and training for situations related to gender-based harm. <https://studenthealth.usc.edu/sexual-assault/>

Sexual Assault Resource Center

For more information about how to get help or help a survivor, rights, reporting options, and additional resources, visit the website: <https://eeotix.usc.edu/>

Office of Equity and Diversity (OED)/Title IX Compliance – (213) 740-5086

Works with faculty, staff, visitors, applicants, and students around issues of protected class. <https://eeotix.usc.edu/>

Bias Assessment Response and Support

Incidents of bias, hate crimes, and microaggressions need to be reported allowing for appropriate investigation and response. <https://eeotix.usc.edu/>

The Office of Disability Services and Programs

Provides certification for students with disabilities and helps arrange relevant accommodations.
<https://dsp.usc.edu/>

Student Support and Advocacy

Campus Support and Information is where members of the Trojan Family go to seek support for themselves, for others, and for the community. It is a one-stop-shop for care and support, troubleshooting and advocacy. <https://cwci.usc.edu/campus-support-and-intervention/>

If you are concerned about a fellow Trojan challenged with personal difficulties, you can file a report through Trojans Care for Trojans. The form can be found at:
<https://campussupport.usc.edu/trojans-care-4-trojans/>.

Diversity at USC

Information on events, programs and training, the Diversity Task Force (including representatives for each school), chronology, participation, and various resources for students.
<https://diversity.usc.edu/>

Gould-specific information can be found at <https://gould.usc.edu/about/race-equity/> (Law, Race and Equity page) and <https://gould.usc.edu/students/diversity/> Students can submit anonymous EDI-related comments/complaints through the law portal:
<https://mylaw2.usc.edu/about/contact/anonymous-comments>

USC Emergency Information

Provides safety and other updates, including ways in which instruction will be continued if an officially declared emergency makes travel to campus infeasible. <https://emergency.usc.edu/>

USC Department of Public Safety – UPC: (213) 740-4321 – HSC: (323) 442-1000 – 24-hour emergency or to report a crime.

Provides overall safety to USC community. <https://dps.usc.edu/>