

ARTS LEGAL LINE

SUMMER 2007

DONATIONS:

NJVLA is a 501(c)(3) non-profit organization and registered New Jersey charitable organization. All donations are tax deductible to the amount allowable by law. There are many ways to donate to NJVLA. You can send a check to P.O. Box 1520, Laurel Springs, NJ 08021.

You can also donate securely using PayPal right from our website, www.njvla.org. You can use www.goodsearch.com as your search engine and designate NJVLA as your chosen charity. You can also contact your local United Way.

ABOUT: NEW JERSEY VOLUNTEER LAWYERS FOR THE ARTS

New Jersey Volunteer Lawyers for the Arts, Inc. (NJVLA) is a 501(c)(3) non-profit organization that provides *pro bono* (free) legal referrals to organizations involved in culture or the arts and individuals involved in any creative or cultural endeavor, including musicians, songwriters, visual artists, dancers, poets, filmmakers, and writers.

NJVLA matches artist and arts and cultural organization clients with volunteer attorneys who assist them with arts-related legal issues such as copyright, contracts between artists of every discipline and other par-

ties, organization formation, taxes on artist royalties, and real estate and landlord/tenant issues regarding studio and gallery space, as well as help them to resolve many other types of arts-related legal problems.

NJVLA also presents educational programs and provides speakers on a wide range of arts-related legal topics. Our website, www.njvla.org, contains information on and links to a variety of other arts-related legal issues and services.

NJVLA is the recipient of grant awards from The New Jersey State Council on the Arts; the Geraldine R. Dodge Foundation; and The IOLTA Fund of the Bar of New Jersey.



A CELEBRATION OF LAWYERS IN THE ARTS III: A BENEFIT FOR NJVLA

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On Wednesday, September 19, 2007, the *New Jersey Law Journal* will be holding its third "Celebration of Lawyers in the Arts" at the New Jersey Performing Arts Center, in Newark. This year's celebration will include cocktails and dinner, a visual art display, live music, and a performance of the 1954 Tony Award winning musical, *The*

Pajama Game.

The catch: all performances and artwork are the products of artistically gifted New Jersey lawyers and law students!



The Pajama Game is a musical set in the 'Sleep-Tite Pajama Factory,' where a story of love in the time of labor strikes, unions, and wage demands is set to rousing

musical numbers and inspired choreography. It is certainly not something you want to miss!

If you are interested in attending the gala or purchasing an ad for the program, please visit our website, www.njvla.org/celebration, right away! Deadlines are August 31, 2007, for ad copy and September 4, 2007, for ticket orders. All proceeds will go to aid your very own New Jersey Volunteer Lawyers for the Arts. Tickets are selling like hot cakes, so get yours now!

See page 2 for a complete list of participants.

MAKE YOUR OWN KIND OF MUSIC

My tastes are, shall we say, eclectic. When I was an associate at a big firm in Manhattan, my office was filled with an unimaginable range of . . . stuff. I almost said "tchotchkes," but there can be negative connotations associated with that word, indicating low value or shoddy workmanship. The same can be said for the word "kitsch." Even if some of the things I had in my office were tchotchkes, they were tchotchkes of the highest possible quality, whether or not that is an oxymoron.

My shelves held a collection of "Yellow Submarine" figurines and a numbered, limited edition, "Yellow Submarine" Lava lamp as well as Janis Joplin, Alice Cooper, and Ozzy Osbourne action figures. My 50-CD stereo, with surround sound speakers spread around the room, had so many flashing lights and shiny bits that it looked like the Mother Ship, and I half expected a George Clinton action figure to step out of it at any given moment.

The calming effects of Charo the Rumba Fish, a betta in a vase, cannot be overstated. When Charo was not enough, I had a misbegotten Teddy bear that I used as a voodoo doll. I also kept a broken ruler in a vase on my desk. When visitors invariably asked about it, I answered that it was to remind me that, no matter how good it feels, hitting a misbehaving computer with a stick is good for neither the computer nor the stick. I kept a giant roll of bubble wrap on the floor, on which I, and anyone else who needed a bit of stress relief, could jump if the need arose. All were welcome in my domain. I even served tea and cookies in my office for the entire department twice a year, once the last business day before Christmas, and once the day before Thanksgiving, in conjunction with the annual ceremonial playing of "Alice's Restaurant." I was probably the only New York associate ever to have 15 people attend an office memorial service for a fish.

The walls, however, were the best part of my office. Portraits of Eric Clapton, Marvin Gaye, and Ray Charles by Ronnie Wood kept a watchful eye on me. The fabric-covered wall over my desk, where I was supposed to tack office memos and "to do" lists, was an explosion of color. It was covered completely with photographs of family and friends, postcards,

magazine clippings, and reprints of artworks I had collected from many of the world's museums.

I was even something of a minor celebrity. Various publications ran a number of articles, with photographs, on my office and me. At a Bar function, somebody actually recognized my face – aren't you the one who has that amazing office?

So now we come to the question you are dying to ask me: WHY? Why on earth would I keep so many things in my office of great personal value, or great intrinsic value, or both? The answer has many layers.

First, I am a creative person. Make no mistake about it, creative people come up with creative solutions to legal questions. A person who can think about a problem in a new and different way is incredibly valuable to any law firm. Stifling creativity in one way leads to stifling creativity in other ways. Allowing yourself to have creative outlets allows the creativity to flow into your work product as well.

Second, I sometimes needed to remind myself of who I was, as I swam in the corporate sea. Surrounding myself with my favorite things served as a constant reminder that I am a unique individual.

Finally, and most importantly, I spent a great deal of time in my office. I found that I did not mind it as much as I thought I would when I was able to listen to music and make my office as much like home as possible. I was able to turn working long hours into a pleasant experience. If I was too stressed to perform adequately, I had numerous ways of relaxing myself, whether through listening to calming music, watching Charo swim, immersing myself in the color therapy of Art History, or venting my frustrations on the Voodoo Bear or the bubble wrap. If I was too tired to work, I had other musical options and a dozen different types of tea to jump-start my psyche.

I am not suggesting that you should go as over the top as I did. You do not need to play music in your office so loud that you fear getting a letter from ASCAP accusing you of uncensored public performances of music. But you should have at least one thing in your office that reminds you of who you are, and that they are lucky to have you.

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[By Tracey I. Batt, Esq.
NJVLA Executive Director]

A CELEBRATION OF LAWYERS IN THE ARTS III

PARTICIPANTS

Performing Artists

Sharon Apple, Esq.	Jay Lavroff, Esq.
Kathy A. Biehl, Esq.	Craig Levine, Esq.
Daniel Brintz	Wanda Moore, Esq.
Jennifer L. Davenport, Esq.	Joseph R. Novick, Esq.
Richard Eittrheim, Esq.	Peter O'Malley, Esq.
Deborah Fennelly, Esq.	Jonathan M. Peck, Esq.
Mark H. Friedman, Esq.	Victoria F. Pratt, Esq.
Dianna Fuller, Esq.	Joan Richardson, Esq.
Richard Goldstein, Esq.	Barry Rosenberg, Esq.
Angela M. Guidetta	Mark Salvacion, Esq.
Bruce J. Hector, Esq.	Evan Silverman
Rebekah Heilman, Esq.	Jeffrey Stephens
Diane Hein, Esq.	Nicholas Stevens, Esq.
Katie Holden, Esq.	Rita Turner
Nashon Hornsby, Esq.	Lauren Van Embden, Esq.
David M. Joyal, Esq.	Jason Weinreb
Susan Karlovich, Esq.	John T. Whipple, Esq.
Fran Kim	Tiffany M. Williams, Esq.
Frank Kolodzieski, Esq.	Lee G. Zimet, Esq.
Pamela Labaj, Esq.	

Performance Committee

Rozanne F. Sullivan, Esq., Director and Musical Director
Ellen K. Rosenberg, Stage Manager
Paul McRae, Choreographer
Carol Ciancia, Costumes

Visual Artists

Maria C. Anderson, Esq.	Ashish Kapoor
Tracey I. Batt, Esq.	Steven Mairella, Esq.
Daniel Belardinelli, Esq.	Howard A. McGinn, Esq.
Melvyn H. Bergstein, Esq.	Glenn P. Milgram, Esq.
Piedad A. Bernikow, Esq.	Donald A. Robinson, Esq.
Peter R. Brogan, Esq.	Melissa A. Salimbene, Esq.
Robert Del Tufo, Esq.	Siegmar Silber, Esq.
Pasquale Guglietta, Esq.	Loly G. Tor, Esq.
Gregory R. Haworth, Esq.	Alexis van der Sterre, Esq.
Shannon Hennessy	

Visual Artists Committee

Allyn Z. Lite, Esq., Chairman
Susan Herman, Esq.
Michael S. Meisel, Esq.
Joseph A. Waks, Esq.

Producer

Robert S. Steinbaum, Esq.

GETTING TO KNOW: THOMAS A. CROWELL

Recently, we sat down with Thomas A. Crowell, Esq., former NJVLA Executive Director turned solo practitioner and author, to ask about his new book, *The Pocket Lawyer for Filmmakers*, and any advice he had for lawyers looking to get involved in art and entertainment law.

Why did you write a book about the legal issues involved in filmmaking?

Thomas Crowell: Artists and filmmakers need to be able to spot the key legal issues facing them when they make a movie; I think they need to know at the price of a book rather than at the price of an attorney. If they don't do their legal homework before the production starts, they run the risk of not being able to own the property that they are creating. With this book I wanted to give people a head's up on legal issues in a nuts and bolts, easy to read form.

Prior to becoming an attorney, I was a TV producer for about 10 years. In addition to creating television, I also spent a lot of time negotiating production contracts and working closely with production attorneys. Much of what an entertainment attorney does is deal driven; if you understand the underlying business deal, the legal aspects can be fairly easy to understand. *The Pocket Lawyer for Filmmakers* puts producers in the driver's seat by giving them the deal points around which each deal is constructed, and it does so using everyday, easy to understand language. Hey, it's just law, not brain surgery.

Do producers have time to read a law book?

Of course not! That's why I constructed the *Pocket Lawyer* the way I did. I didn't want to create a book that you had to read cover to cover before you could get anything useful out of it. What producer has time for that? Producers need answers fast,

and my book is designed to give them the information they need right away, without having to read through pages of extraneous information. There are plenty of summaries and cross-references: it's sort of like a paper version of a hyper-linked website. You can quickly get to the page that deals with an issue without having to sort through legal mumbo-jumbo. I tried to give you something that you could keep in your bike messenger bag and pull out at a moment's notice, like you use your camera.

Did you draw on personal experience in the book?

TC: Oh, a lot. There were a lot of times when I was shooting guerilla style in New York where I would just grab a camera, grab some people, and shoot a scene, often without a shooting permit. Unfortunately, there were several times when the police showed up minutes after we did, and the whole night was a bust. I could have saved myself and my crew a lot of headaches -- and had the police on my side -- if I had first bothered to get a simple permit. What I needed was a book I could pick up and see at a glance what legal issues I needed to prepare for. I very much tried to write the book I wish I had had when I was producing.

If you had to give one piece of advice to a filmmaker, what would it be?

TC: Protect your copyright. If you want something more concrete, I'd say: Protect your copyright by making sure that the contracts between you and your crew or talent are structured as work for hire agreements. This is one area where a handshake simply won't do. You must have a written contract and

you must have your contractors sign it. If you don't, you run the risk of losing control of your copyright. That would be the biggest tip.

I think as a filmmaker you're so worried about getting the shot that you don't have the "lawyer hat" on, because wearing that hat means taking time from the creative process. So people tend to avoid it. Unfortunately, it is a necessary evil to protect your property. Here's the good news: there are some easy things that filmmakers can do without a lawyer, like register their own copyrights, or draft certain kinds of simple contracts.

How did you get involved with NJVLA?

TC: I have always had a great amount of empathy for fellow artists, and New Jersey for a long time has needed something like NJVLA. I was puzzled that New Jersey didn't have its own volunteer lawyers for the arts program, since so many important artistic achievements happened right here New Jersey. For instance, the movie industry was born here in West Orange at the Edison studios. I was brought on board NJVLA as the first executive director. The first year that we were really up and running, my job was primarily to bang a loud drum and get as many people interested and aware of the organization as I could. I spent a lot of time on the road lecturing to artists about the fundamentals of copyright law.

Do you have any advice for attorneys that want to be involved in the arts community?

TC: Yes! Get involved in NJVLA! Also, create art yourself. Make a film! Artists are

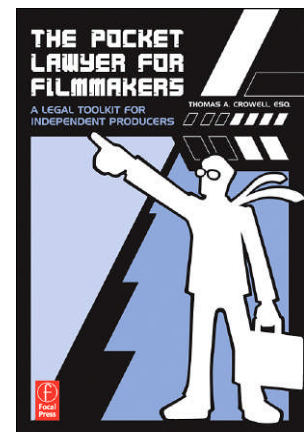


Thomas A. Crowell, Esq., is an attorney who practices entertainment and intellectual property law. Mr. Crowell was a television producer for more than ten years.

very passionate people; they are very passionate clients to have. As an attorney, it can be a lot of fun working with artists because they really care about what they are doing. When you are working with a dedicated, driven, and passionate client, you are going to want to go the extra mile for him or her.



The Pocket Lawyer for Filmmakers by Thomas A. Crowell, Esq. (focal press, 2007) is available at bookstores across the country, including Borders, Barnes & Noble, Amazon.com, and, strangely enough, Wal-Mart. For more information about Mr. Crowell or his practice, please visit www.thomascrowell.com.





NJVLA: STAFF AND DIRECTORS

Executive Director:

Tracey I. Batt, Esq.

2007 Officers:

Nicholas Stevens, Esq. - President
Deborah Fennelly, Esq. - Vice President
Siegmar Silber, Esq. - Secretary
Pamela Labaj, Esq. - Treasurer

Board Members:

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Erin Mills
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ARTS LEGAL LINE

On July 5, 2007, New Jersey Volunteer Lawyers for the Arts interns and staff got together with their Philadelphia Volunteer Lawyers for the Arts counterparts in Philadelphia for pizza and a lecture on music licensing law from NJVLA Executive Director Tracey I. Batt, Esq.

Top row, from left: Jacob Lehman, Justin Murakami, Ryan Rasmussen, Sam Albright, Erin Mills, Miriam K. Hohag, and L. John Bird.

Bottom row, from left: NJVLA Executive Director Tracey I. Batt, PVLA Acting Executive Director Kathleen Carignan, and Michael Vincenti.



NJVLA: SERVICES

New Jersey Volunteer Lawyers for the Arts, Inc. ("NJVLA") provides legal education, representation, and other legal services to the entire State's Arts Community, and in particular to low-income artists and non-profit organizations.

NJVLA provides artists and arts and cultural organizations with referrals to volunteer attorneys who provide a range of services:



The Legal Line: An attorney discusses an arts-related legal issue with a client in a 30-60 minute telephone consultation.



The Law Fax: An attorney reviews a short (three pages or fewer) legal document and discusses the contents with the client in a 30-60 minute telephone consultation.



The Full Service Referral: An attorney takes on a case for an artist or arts or cultural organization when an arts-related legal issue cannot be resolved in a single telephone call, such as litigation, negotiation, document drafting, and organization formation. The attorney's time is provided free, with the client responsible for any costs such as court fees. Please contact us to see if you qualify for this service.