

How I Spent My CLE Vacation

2004 Southern Regional Conference in Jamaica

by Elizabeth Marlowe
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The 2003 Southern Regional Entertainment, Sports and Intellectual Property Law Conference has come and gone, and once again, the annual event was a smash! The conference at the Ritz-Carlton Hotel and Resort in Rose Hall, Jamaica was filled to capacity with more than 200 lawyers and their guests, eager to absorb a year's worth of case law, practice tips, and technical knowledge. We also absorbed a lot of rum.

The weather could not have been better unless you were a diver, but the red flags only forced us to find other activities. There was plenty to do – the obligatory golf and tennis, spa treatments at the Ritz, excursions to town, and of course Rose Hall, home of the legendary White Witch, Annie Palmer. Our gracious sponsors, Alex Smith and Tom Slade of Morgan Keegan, treated us to a lovely dinner beneath the stars, and under the witchful eye of the resident ghostie. The Witch's Brew was pretty darn tasty, and the tour of Rose Hall was oh so dramatic! Apparently the White Witch was more like a black widow. It inspired me to write a new song called "The Loving and the Killing." (MP3 available on request!)

Then there was the fateful white water rafting trip,



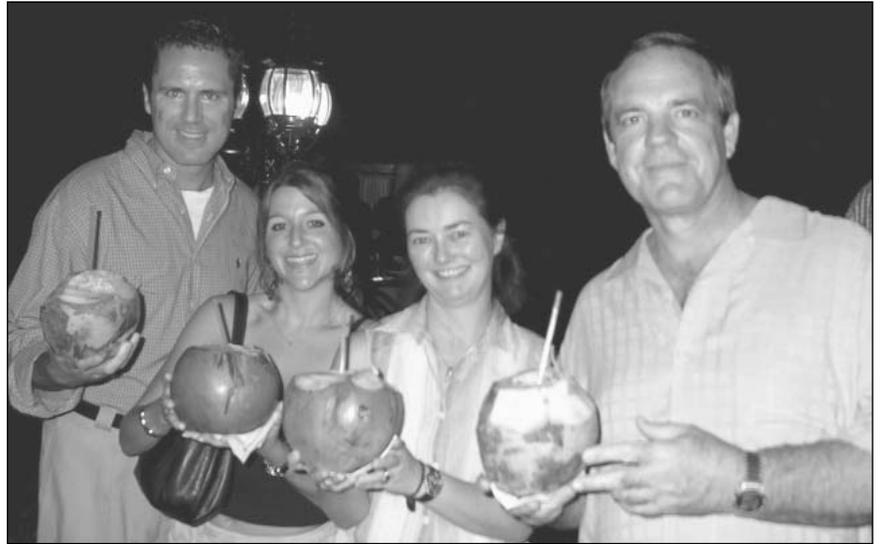
A group of SELAW attendees, guests and their river guides gather after braving the Jamaican rapids. (Photos courtesy of Elizabeth Marlowe.)

fondly dubbed "Gilligan and Lucy Ride the Rapids." Twelve of SELAW's finest decided to take a little trip down one of Jamaica's many great rivers. The scenery was beautiful, and fortunately for us our guides knew every square inch of the river, because they had to jump in every minute or two to retrieve one of us! We came to enjoy the frequent spontaneous swimming breaks. I am now a proud member of the Wet

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A mountain view of the city of Montego Bay, Jamaica, including the Caribbean Sea in the distance.



Section Chair Alan Clarke, an attendee, Dianne O'Donnell and Eric Hearn enjoy coconut drinks during a conference reception.



Lori Stollman, Emilie Bakal, Brian Caplan and Marc Stollman share lunch by the river following an afternoon of rafting.

Lawyers Club. I am here to tell you that yes, you **can** drink the water!

Back at the ranch, we had some awesome speakers again this year. Many thanks to Scott Keniley for putting together such an impressive curriculum. Highlights included Steven Eisenberg's always entertaining Entertainment Law Case Update, which was far too short, and Justice Carol Hunstein's brilliant ethics and professionalism update illustrated with clips from the film *Chicago*. The educational program ended on a high note (well maybe actually a low note) with the always depressing "State of the Music Industry," but we were honored again this year to have Joel Katz on the panel. Irving Azoff, manager to the stars (and recipient of many pre-teen love letters from me that he was supposed to forward to Dan Fogelberg), couldn't make it, but a touching, handwritten note from him was read aloud by Joel.

The food was all delicious, especially at the Jerk Shack down on the beach. Yes, the Ritz can jerk a mighty good chicken, and it's served on the nicest china! They were jerking lots of things down there, salmon, pork, and I think I even saw a jerked iguana. The BMI farewell dinner was the best ever. Charlie Feldman found us a Mento band, which is the traditional Jamaican folk music, older than reggae and soca. Listening to the Mento band with my toes in the Jamaican sand and a rum punch in my hand was the highlight of the trip. These guys were amazing! They played and played, and we limboed and limboed! The management came to shut them down at 10 p.m., and you should have seen that mob of drunken lawyers get fired up! With a little friendly persuasion, and the threat of legal action, we were able to keep them playing for a while longer, but all night would not have been long enough.

My only regret is that the trip was short. (I might have other regrets, but my memory is a little spotty). We had good food, great company, amazing 20-year-old rum, excellent networking and educational opportunities, and only one emergency surgery. And most of the IP lawyers actually left their ties at home this year. (They're learning!)

Thanks again to everybody who made the conference so terrific, especially Darryl Cohen who devotes so much time and energy to finding perfect locations, and making the trips go off without a hitch! See you in Cabo! ●

Beware of Ambush Marketing!

Coca-Cola Attorney Speaks to Section Members and Law Students at UGA

by Paul Sieg
Georgia State University

On Feb. 16, the first ever event co-sponsored by the Entertainment & Sports Law Section, the Sports and Entertainment Law Society of the University of Georgia School of Law and the UGA Law School's Student Bar Association (SBA) took place in Athens. More than 60 attorneys and law students gathered in Dean Rusk Hall on the University of Georgia campus. The enthusiastic group was educated, inspired, and entertained by attorney Jeffrey B. Gewirtz.

Gewirtz, counsel for Sports and Entertainment Transactions at the Coca-Cola Company, spoke to the group on ambush marketing in professional sports. Ambush marketing refers to the promotional activities and marketing strategies of a third party organization which is unaffiliated with a sponsor, promoter, sports organization, or sporting event that seeks to capitalize on or misappropriate the popularity, excitement, or goodwill generated by the sponsor, promoter, organization, or event. These activities are also intended to surprise the coordinators of an event, and to take advantage of the added value of exposure that can be generated in short promotional windows. In its most offensive form, ambush marketing refers to the deliberate efforts of an organization to lessen, weaken, or "ambush" a competitor's official relationship with an event, sponsor, promoter, or organization, which has been established by the payment of sponsorship fees. Issues of trademark and tradename dilution were also addressed.

Gewirtz spoke to the group for more than an hour, and then answered questions. After the presentation, students had the opportunity to meet Gewirtz and the attending attorneys while everyone enjoyed hors d'oeuvres provided by the SBA and the section.

The event served a dual purpose – attorneys who



Bill Hightower, chair of the University's Sports and Entertainment Law Society, speaker Jeffrey B. Gewirtz and UGA's Student Bar Association President Kevin Gooch gather after Gewirtz's Feb. 16 seminar on sports marketing, held in Athens.

attended received one hour of CLE credit (including one hour of professionalism), and the Section was able to strengthen its relationship with the students at UGA's School of Law.

Section Chair Alan Clarke said, "Holding CLE lectures at the different law schools in Georgia is part of the section's ongoing outreach program to encourage student participation in both the Bar and the section. Participation in Bar and Section events is an excellent opportunity for students to both broaden their legal education, and to network with potential employers and clients." ●

Section Implements Law Student Scholarship Program

by Paul Sieg
Georgia State University

On Jan. 9 the Section's Executive Committee unanimously voted to approve an annual scholarship program for the five Georgia law schools (Emory University, Georgia State University, John Marshall School of Law, Mercer University, and the University of Georgia). The scholarship will pay the annual dues for the president of each school's Entertainment and Sports Law Society to join both the State Bar and the Entertainment and Sports Law Section as a student member.

Section Chair Alan Clarke said, "We're very excited about this. We really want to encourage student participation in both the Bar and the Section. Students who join the Section while they are in school are likely to continue their membership and participation once they become attorneys."

In the past, with Section Executive Board membership changes and students graduating from the law schools, it has been difficult for the Section to maintain contact with students who are interested in entertainment and sports law. By establishing the scholarship program this should no longer be an issue. The names of the elected students will be submitted directly to the Bar by the schools.

The scholarship will be an annual gift of \$50.00 to each school (\$25 for student membership to the Bar and \$25 for membership in the Section). The scholarship will be administered by the individual schools. The scholarship program will begin in the spring of 2004 to coincide with the schools' officer elections for their entertainment and sports law societies. •

Upcoming Section Events

Wednesday, March 10

12 p.m. — 2 p.m.

Lunch Lecture:
Legal Issues in Theater

Speakers: Mark Williamson of Alston & Bird; Lisa Kincheloe of Georgia Lawyers for the Arts; Darryl Cohen of Cohen Cooper Estep & Mudder

Location: One Midtown Kitchen, 559 Dutch Valley Road (off Monroe Dr. near the intersection of Piedmont

Topics to include: Negotiating venue agreements, actor agreements (SAG and non-SAG), and tax issues

Thursday, March 18

6 p.m. — 10 p.m.

Happy Hour and Gallery Crawl

Join the Section, Georgia Lawyers for the Arts and law students for a happy hour and gallery crawl in the Castleberry Hill Arts District (see page 7)

Wednesday, April 7

12 p.m. — 2 p.m.

Sports Law Lunch Lecture

Speaker: Mike Egan of King and Spalding; represents the Atlanta Falcons and Spirit, purchaser of the Hawks and Thrashers

Location: TBA

Friday, May 7

12 p.m. — 2 p.m.

Lunch Lecture:
Legal Issues in Television and Film

Speaker: James McGee of Turner Entertainment Legal Department

Location: TBA

Anticipated Topics: Licensing for third parties, pitching and developing original productions, and FCC regulations for children

Wednesday, June 2

12 p.m. — 2 p.m.

Lunch Lecture:
What's up in the Entertainment Industry in Atlanta c. 2004

Anticipated Panelists: Local representatives from ASCAP, BMI, NARAS, NATAS, GLA, the Georgia Film and Video Commission and others

Location: TBA

**Section Elections to be held during event!
Mark your calendars!**

Directly From the Source: An Interview with Joseph Arrington II

By Bedelia C Hargrove
bedelia1@prodigy.net

I had the pleasure of mingling with Atlanta attorney Joseph Arrington II, last year in San Juan, Puerto Rico at the Black Entertainment and Sports Lawyers Association's (BESLA) Annual Conference, where Joe and I participated as panelists. Joe has served on BESLA's Program Committee since 1995. Although I had met Joe once before, Puerto Rico provided an opportunity for me to observe Joe in a business yet casual setting. I quickly learned in Puerto Rico that Joe basically knows everyone. On day two of the conference, I commented to a fellow colleague, "I get the impression that if Joe walks in to a room of 100 strangers, 90 of the 100 will meet him before he leaves the room." Now that is a presence!

Recently, I caught up with Joe to learn a bit more about the man behind the presence. Most people in the Atlanta community are familiar with the Arrington name. There are seven law school graduates in his family including his father, Joseph Arrington Sr., his sister, Jill Arrington, his uncle, the Honorable Marvin Arrington Sr., his cousins Marvin Arrington Jr. and Michelle Arrington, and his aunt, Audrey Arrington. For the past six years, Joe has been busy making a name for himself practicing entertainment law.

Born in Washington, D.C. and raised in Atlanta, Joe attended Clark Atlanta University where he majored in journalism. Joe had an interest in print journalism and while attending Clark Atlanta,

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Above: Joseph Arrington II, Esq., Adrienne Alexander, law student at Georgetown University, and Tony Daniel, Esq., E&SL Section executive board member, attend the 2003 BESLA Awards Dinner in San Juan, Puerto Rico.



Left: Joseph Arrington II on the beach in Puerto Rico during the annual BESLA conference last year.

he interned at the *Atlanta Journal-Constitution* and at *Atlanta Magazine*. More interesting than his journalism major is the fact that he attended Clark Atlanta on a music scholarship. He played saxophone with the renowned Clark Atlanta University Jazz Orchestra. While in school, he was fortunate enough to combine his childhood hobby of playing the saxophone with education and traveled throughout the U.S. and Europe to perform.

Joe first became aware of legal issues in the music industry during his freshman year at Clark Atlanta while on tour in Europe. He was sitting in an airport in Switzerland when an older gentleman approached him and began asking questions about how much compensation Joe was receiving for playing with the orchestra. Joe recalled his immediate response, "Sir, I am 19 years old. I'm not being paid anything." The unknown gentlemen proceeded to inform Joe about the nature of the music business and how important it would be for Joe to not only understand but also to protect his legal rights if he intended to stay in the business. This encounter was his "first horror story about the music industry."

After graduating from Clark Atlanta, he attended Emory University School of Law along with his sister, Jill and his cousin, Marvin. In 1995, during his second year of law school, Joe attended his first BESLA Conference in Aruba, where he recalls meeting entertainment attorneys face to face for the first time, including industry veteran and BESLA founder Kendall Minter, Esq. Following several discussions with Kendall, Joe and Marvin embarked upon hosting a BESLA Conference at Emory with the Entertainment Law Society. That conference, which was a great success, occurred in the spring of 1996 and provided an excellent forum for Joe to meet many Atlanta-based entertainment attorneys.

After graduating from Emory in 1996, he started his own entertainment law practice representing artists, producers, songwriters, and independent labels. Four years ago, he began practicing with Kendall Minter. Joe enjoys his work because it "keeps me tuned in with popular culture" and it "keeps me feeling young." He says that the worst part about the business is its one-sidedness – to the detriment of the "creators of the artform." Joe cited the music industry's inability to keep up with technology – such as downloading – as yet another negative aspect of the business,

which creates an adverse financial impact on the "creators of the artform."

When asked about the future of the music industry in Atlanta, Joe quickly commented about the impact of the recent legislation passed by the Atlanta City Council, which requires nightclubs in the city to close at 2 a.m. According to Joe, nightclubs have historically served as venues for new acts to showcase their music and he is concerned that Atlanta will soon lose its reputation for being an "industry-friendly town."

Looking forward, Joe aspires to establish a non-profit entity geared toward exposing youth to the business side of the music industry. According to Joe, it is never too early to get the exposure. His non-profit would establish an internship program for high school age students, exposing them to law firms, studios, and other entities in the music industry.

For now, he continues to build his entertainment practice. And if you haven't already met Joe, I guarantee you soon will! •

You may direct all comments, questions and suggestions regarding this newsletter to the Editor, Bedelia C Hargrove, at bedelia1@prodigy.net

Not a member of the Entertainment & Sports Law Section?

Join now for **HALF PRICE** for the remainder of the 2003-2004 Bar year!

Send a check for \$12.50, made payable to the State Bar of Georgia, to:

State Bar of Georgia
Membership Department
104 Marietta St, NW
Atlanta, GA 30303

Section, Georgia Lawyers for the Arts Plan Happy Hour and Gallery Crawl in Castleberry Hill

by Lisa Kincheloe

Executive Director, Georgia Lawyers for the Arts

Georgia Lawyers for the Arts and the Entertainment & Sports Law Section, along with the entertainment law associations at Emory, Georgia State and John Marshall law schools, will host a gallery crawl in the up and coming Castleberry Hill Arts District from 6 p.m. till 10 p.m. on March 18.

Five galleries will participate, along with the hip new restaurant Slice on Peters Street. Stroll through Marcia Wood, Skot Foreman, Ty Stokes, Wolf Fisher and 310 Haus (all within one block of each other) to see some incredible art (including the Dali retrospective currently at Skot Foreman) before heading to Slice for cocktails and comraderie.

As many of you know, GLA is a nonprofit organization dedicated to providing legal assistance and educational programming to artists and art organizations in Georgia. Through our network of volunteer and panel attorneys, we counsel musicians, songwriters, photographers, filmmakers, painters, graphic designers, actors, dancers, and artists from many other disciplines. In addition to providing pro bono legal services to limited-income artists and nonprofit arts organizations with budgets under \$500,000, GLA also makes referrals to experienced attorneys for artists and organizations that can afford to pay for such services. GLA has frequent walk-in clinics where artists and arts organizations can meet with volunteer attorneys to discuss various legal questions. Lastly, GLA provides free or low-cost mediation services as a means of resolving artists' disputes.

Education is also critically important to our mission. GLA conducts 50 to 60 educational workshops, seminars and CLEs for artists, arts organizations and attorneys on numerous legal and business-related topics each year. One of the most valuable tools we have at GLA is our extensive resource library that contains more than 250 volumes, copyright information and other materials. And thanks to the generosity of the Section, our library includes the Mathew Bender

Entertainment Law CD-ROM that has great sample contracts and explanations of various aspects of the entertainment industry. Many lawyers, in addition to our artists and arts organizations, come to utilize the resource library and I would encourage all of you to do the same.

Each year, GLA serves thousands of artists and arts organizations across the state and provides more than \$750,000 in free legal services. Part of our mission is to serve as a bridge between the arts and legal communities. Artists, arts organizations and attorneys who join GLA will receive monthly mailings of upcoming seminars and CLEs, discounts on workshops and various publications, and invitations to social events like the upcoming gallery crawl, which are a terrific way to network with other lawyers and entertainment professionals.

In addition to the above, member attorneys are eligible to receive referrals for artists and arts organizations that do not qualify for free legal services. The types of cases here at GLA run the entire legal spectrum: copyright, trademark, contract negotiation (recording agreements, film deals, publishing deals, etc.), commission disputes, licensing, real estate, tax, immigration, First Amendment, general corporate issues and many more.

I hope that you will consider sharing your expertise and experience with those who so desperately need it. If you are interested in serving as a panelist, taking on a pro bono case or becoming one of our member attorneys please contact us at (404)873-3911 or at gla@glarts.org.

Incidentally, contributions to GLA are tax-deductible and always greatly appreciated. For directions to the galleries, Slice or for more information on GLA you may go to www.castleberryarts.org, www.sliceatlanta.com, www.glarts.org.

We look forward to seeing all of you in Castleberry Hill on Thursday, March 18! •

Notes from the Section

Attention: Executive Committee Elections are Coming Up!

Please mark your calendars for election day – Wednesday, June 2. Come out and vote for your new leaders!

Membership Levels

The Entertainment and Sports Law Section now has 456 members. Members, please encourage your friends and colleagues in the profession to join our section. We are very close to achieving an all-time high number of members for the Section and anticipate that we will accomplish this by the end of the Bar year!

Entertainment Law Institute

On Feb. 6, more than 100 attorneys, law students, and other attendees joined the Georgia Lawyers for the Arts and the E&SL Section for the annual Entertainment Law Institute in Tull Auditorium at the

Emory University School of Law. Attendees earned six CLE hours, including one ethics, one professionalism and one trial practice hour. A special thanks to Lisa Kincheloe, GLA president and Section executive board member-at-large for a job well done.

Interested in a fabulous ski trip while earning CLE credits?

Darryl Cohen is contemplating taking a group of lawyers to either Whistler/Black Comb or Lake Tahoe for a few days of skiing and CLE seminars in early January 2005. These are two of the most picturesque places on earth. We will receive CLE credits for attending seminars in the early morning and use the balance of the day for sleigh rides, skiing and drinking hot toddies by the fire. The trip will be dependent on the number of people interested in participating in a ski trip/law seminar of this nature. If you would be interested, please contact Darryl at (404) 814-0000 or by e-mail at dcohen@coco-law.tv.

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