

ENTERTAINMENT LAW SYLLABUS

Prof. Lipson

University of LaVerne College of Law

Spring Semester 2019 [2 Credits]

Instructor: Prof. Ashley Lipson
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Meet Times: Wednesdays, 6:30 p.m. – 8:25 p.m
Location: Room 203 (CRN: 2638 / Course Number: 611)

I. **Required Materials:**

Entertainment, Media and the Law, Paul Weiler, 5th Edition, West Group Publishing (2016). ISBN: 9781634598835

II. **Optional Reading:**

Entertainment Law, Simensky, Selz, Burnett, Lind and Palmer (Most Recent Edition), Matthew Bender & Company. *Kohn on Music Licensing*, Al Kohn & Bob Kohn, 2nd Edition (Annually Supplemented), Aspen Law & Business. See also *Computer and Videogame Law*, Lipson and Brain, Carolina Academic Press (2016) for those intending to focus on new media.

III. **Course Content and Description:**

To provide the students with a broad overview of the entertainment industry and introduce them to the major cases, statutes and legal problems pertaining to the *Publishing, Film, Recording and Broadcast* Industries. Supplemental information will be provided with respect to key transactional issues to better enable the student to cope with the intense negotiations that characterize every aspect of the entertainment industry. The text covers numerous topics (some related, many discrete) dispersed among several industries. In addition to the material contained in the text, lecture sessions will place repeated emphasis upon certain subjects are of practical concern to the industry as a whole (p.e. Fair Use, Work for Hire Agreements & Copyright Infringement). Live materials, recordings and guest lecturers may accompany some presentations.

IV. **Classroom Expectations:** Student participation is important. Each week in conjunction with the *Schedule* provided hereunder, students are expected to read and be prepared to discuss significant portions of complete chapters of the assigned text. In addition, students are expected to explore current events and legal proceedings pertaining to changes and developments.

V. **Guest Speakers:**

Attendance is always important, particularly where guest speakers are scheduled to appear. Students are expected to display the highest level of courtesy when guests are lecturing.

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- VI. Basis of Grade:** There will be one final examination (Two hours in length) consisting of one essay and a set of multiple choice questions. The Final Exam will account for 75% of your final grade. At the discretion of the professor, Class Exercises and participation may account for up to 25% of your final grade. A final course numeric grade shall also be subject to the *College of Law* policies and rules pertaining to absences and instances of unpreparedness.
- VII. Academic Integrity Policy:** Students shall honor and obey all of the policies of the University and the Law School relating to honesty and plagiarism. No electronic devices are permitted within the classroom, Laptops and cell phones are **especially prohibited**. With respect to seating, students are expected to fill the front rows of the classroom. As a matter of courtesy to your classmates and professors, you are expected to be on time. Taping often produces results that are misleading and often out of context; the exclusion of pauses, gestures, student interchanges and other visual components frequently change the meaning of recorded statements during playback. Taping is, therefore, prohibited.
- VIII. Office Hours:**
By appointment.
Any time by telephone or email (24/7): [310] 777-8333. ashley@objection.com.
- IX. Class Policies and Standards**
1. *Attendance, Participation, and Preparation:* Attendance is mandatory by College of Law policy (see the below selection from the MAPP). Exam skills, like other skills, are best improved by practice and participation. Students will receive the full benefit of the course only by attending every class session and actively participating.
 2. *Tardiness:* Students are expected to arrive on time and stay for the full class session as a matter of courtesy to your classmates and the professor. Arriving late or leaving early will result in a full absence. Roll will be called at the beginning of each class - if you are not present when roll is called, you will be marked absent.
- X. Course Objectives and Learning Outcomes:** At the end of this course, you should have a general understanding of the basic rules and laws that govern broadcasting, film and publishing. You will also have a basic understanding of intellectual property. In addition to an appreciation for several notable landmark cases, you will have a working knowledge of matters involving: Defamation, privacy, violence, celebrity publicity rights, copyright infringement, fair use, unions and other performer organizations. In addition to the standard learning materials involving entertainment industry contracts, you will receive specific hands-on instruction regarding effective strategies and negotiation tactics surrounding the formation and construction of deal memos and contracts.

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XI. ABA Standard 310

Standard 310 requires that for each hour of in-class time, students spend two hours preparing for class (reading or completing class assignments or assessments).

XII. Disability Accommodations Statement

Students with disabilities should refer to the policies described at the University of La Verne Disabled Student Services Handbook [as of September 13, 2017 located at <https://sites.laverne.edu/disabled-student-services/disabled-student-services-handbook/>], which can be found on the website of the University of La Verne Disabled Student Services website (<https://sites.laverne.edu/disabled-student-services/disabled-student-services-handbook/>) or at their office. Temporary accommodations are offered on a case by case basis. All required documentation must be submitted by the student before any formal accommodations and should be made directly to the Director of Student Affairs. Any student eligible for and requesting academic accommodations due to a documented disability (or a suspected disability) is asked to contact the College of Law Director of Student Affairs and Americans with Disability Act Compliance Officer, Akita Mungaray by email at amungaray@laverne.edu or by phone at (909) 460-2017. Her office is located on the first floor of the College of Law, Office # 107. You can also contact Cynthia Denne at the University of La Verne Disabled Student Services office at (909) 448-4441. The office is located at the La Verne campus Health Center. In order to be considered for accommodations, disabilities must be documented and the proper medical evaluations must be submitted. The office is here to help you succeed in law school. Visit it online at <https://sites.laverne.edu/disabled-student-services/>.

XIII. University of La Verne Mission and Values

It is the mission of the University of La Verne to provide opportunities for students to achieve their educational goals and become contributing citizens to the global community. The University of La Verne shares four core values that promote a positive and rewarding life for its students through fostering a genuine appreciation and respect for:

1. Values Orientation. The University affirms a philosophy of life that actively supports peace with justice, the health of the planet and its people. Therefore, in light of this affirmation, it encourages students to become reflective about personal, professional, and societal values. It also encourages values-based ethical behavior.

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2. Community and Diversity. The University promotes the goal of community within a context of diversity. Therefore, it encourages students to understand and appreciate the diversity of cultures that exists locally, nationally, and internationally. It also seeks to promote appreciation and preservation of biodiversity by helping students understand the impact/dependence of human beings on their environment.

3. Lifelong Learning. The University commits itself to promoting education that facilitates lifelong learning. Therefore, it teaches students how to learn, to think critically, to do constructive research, and to access and integrate information in order to prepare them for continued personal and career growth.

4. Community Service. The University believes that personal service is a primary goal of the educated person. Therefore, it encourages students to experience the responsibilities and rewards of serving the human and ecological community.

University of La Verne College of Law Vision, Mission, and Values

VISION: La Verne Law is an incubator for innovation in legal education, thought, and advocacy for individuals passionate about serving their communities and promoting access and justice.

MISSION: The mission of La Verne Law is to guide our students in the discovery of law and self as they prepare for the practice of law or other professional careers. Our faculty of scholars and teachers is committed to creating an innovative, collaborative learning environment designed to develop the knowledge and skills relevant to achieving individual and professional success. Our mission encompasses educating, as well as enhancing the professional lives of, the members of the local, regional, national, and international communities we encounter – students, faculty, staff, administrators, alumni, members of the bench and bar, and others who pursue social justice.

Our mission is grounded in the core values of the University of La Verne – life-long learning, ethical reasoning and decision-making, diversity & inclusivity, and community & civic engagement. Difference-making is our legacy.

CORE VALUES: University Values: As a College within the University of La Verne we adopt and endorse the University core values of Lifelong Learning, Diversity and Inclusivity, Community Engagement, and Ethical Reasoning. College of Law Core Principles and Values: As an institution dedicated to teaching and training the next generation of lawyers and leaders, we operate institutionally and individually on the principles of professionalism, innovation, ethics, student centeredness and community enhancement. In our actions and interactions, we are and seek to be affirming, respectful, humble, accountable, committed, inclusive, empathetic, responsive, passionate, and positive.

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University of La Verne College of Law Program Objectives

A. Upon completion of the program of legal education, students will possess the skills and knowledge to enable them to pass any bar examination of their choosing.

B. Upon completion of the program of legal education, students will possess those skills to participate as respected members of the legal profession.

C. Upon completion of the program of legal education, students will model ethical, responsible, and professional behavior.

D. Upon completion of the program of legal education, students will embrace cultural differences and civic and community engagement.

American Bar Association Standard 302: LEARNING OUTCOMES

A law school shall establish learning outcomes that shall, at a minimum, include competency in the following:

- (a) Knowledge and understanding of substantive and procedural law;
- (b) Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context;
- (c) Exercise of proper professional and ethical responsibilities to clients and the legal system; and
- (d) Other professional skills needed for competent and ethical participation as a member of the legal profession.

In compliance with ABA Standard 302, the University of La Verne College of Law has established the following.

XIV. University of La Verne College of Law Program Learning Outcomes

1. Students shall demonstrate knowledge and understanding of substantive and procedural law.
2. Students shall demonstrate competence in legal analysis and reasoning.
3. Students shall demonstrate competence in conducting legal research.
4. Students shall demonstrate competence in problem-solving.
5. Students shall demonstrate competence in written and oral communication.
6. Students shall be able and motivated to exercise proper professional and ethical responsibilities to clients, the legal system, and the wider community.
7. Students shall demonstrate competent litigation skills.
8. Students shall demonstrate competent transactional skills.
9. Students shall apply cultural competency while exercising their legal skills.

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XV. Schedule: The professor reserves the right to alter or modify the schedule in order to best suit the needs and requirements of the class. For every hour of scheduled class time, you are expected to spend at least two hours outside of class engaged in reading and preparation.

Week 1 [01/09/19] - **Introduction:** Pages 11 - 81.

Week 2 [01/16/19] - **No Class:** Martin Luther King Day

Week 3 [01/23/19] - **Chapter 1** - Sex and Violence in Entertainment, Pages 11-148.

Week 4 [01/30/19] - **No Class** [Potential Go-To-Court Week]

Week 5 [02/06/19] - **Chapter 4** – Elements of Copyright Protection, Pages 363-437.

Week 6 [02/13/19] - **Handouts** – Copyright & Related Forms. Pages 437-476.

Week 7 [02/20/19] - **Chapter 5** - Innovations and Intellectual Property, Pages 477 - 614.

Week 8 [02/27/19] - **Chapters 6** - Alternative Sources of Rights), Pages 617 - 729.

Spring Break - March 5 - 11 [No Classes]

Week 9 [03/13/19] - **Chapter 7** - Contract Formation and Duration, Pages 733 – 811.

Week 10 [03/20/19] - **Chapter 8** - Entertainment Contract Obligations, Pages 815 - 881.

Week 11 [03/27/19] - **Chapter 10** - Representation and Regulation, Pages 939 - 1002.

Week 12 [04/03/19] - **Chapter 11** - Performer Organizations, Pages 1007 – 1094.

Week 13 [04/10/19] - **Chapter 13** – The New Telecom World, Pages 1205 - 1293.

Week 14 [04/17/19] – **Review** for Final Examination

Make Up Week: TBA /**Examination Period:** TBA