

**STATE BAR OF MICHIGAN
2008-2009 ANNUAL REPORT
ARTS COMMUNICATIONS ENTERTAINMENT & SPORTS (ACES) SECTION**

MISSION STATEMENT: The Arts, Communications, Entertainment & Sports Section of the State Bar of Michigan provides education, information and analysis about issues of concern through meetings, seminars, this site, public service programs, and publication of a newsletter. Membership in the Section is open to all members of the State Bar of Michigan. Statements made on behalf of the Section do not necessarily reflect the views of the State Bar of Michigan.

OFFICERS:

Chair: Matthew W. Bower (P66957)
Chair-Elect: Ethan Yale Bordman (P68301)
Secretary: John M. Kamins (P15669)

COUNCIL MEMBERS:

Terms Expiring 2009: Elizabeth DuMouchelle (P45462)
Lawrence Jordan (P27169)
Kimberly Ward (P59520)

Terms Expiring 2010: Leonard F. Charla (P11803)
Henry B. Clay, III (P25249)
Dan Skorich (P26689)

Terms Expiring 2011: Fredrick J. Frank (P32115)
Richard R. Herman (P31210)
Todd Redden (P70564)

Representative Assembly:

Martin J. Hillard (P36393)

Immediate Past Chair:

Mindy M. Schwartz (P63135)

Ex Officio:

Jeffrey Richardson (P60184)
Richard Todd Hasley (P61933)
John H. Willems (P31861)
Duane M. Lewis (P38654)

Commissioner Liaison:

Elizabeth Moehle Johnson (P39858)

SECTION COMMITTEES:

Certification/ICLE Seminar - Lawrence Jordan
Website/Newsletter - Henry Clay
Hensel Award - Elizabeth DuMouchelle
Young Lawyer Development/Mentoring - Mindy Schwartz
Public Action/Civic Affairs - Duane Lewis
Spring/Artists Seminar – Matt Bower
Volunteer Lawyers for the Arts and Culture – Richard Herman

**STATE BAR OF MICHIGAN
2008-2009 ANNUAL REPORT
ARTS COMMUNICATIONS ENTERTAINMENT & SPORTS (ACES) SECTION**

SECTION BYLAWS: There were no changes to the Bylaws of the Sections this term. The Bylaws were last amended on September 14, 2001. There are no plans to amend the Bylaws at this time.

SECTION PUBLICATIONS: The Section did not produce any publications this term.

MEETINGS, ACTIVITIES, AND SEMINARS:

John Hensel Award Ceremony

Birmingham Community Center, Bloomfield Hills, MI

On October 24, 2008, ACES held a ceremony at the Birmingham Community Center, Birmingham, MI to present the John Hensel Award. ACES annually presents the John Hensel Award to a Michigan attorney who has made significant contribution to the arts. The 2008 honoree was Tracy Thompson, an active supporter of community television and member of the Digital Arts Film Television Association.

Business Meeting and Holiday Party

Honigman Miller, Bloomfield Hills, MI

ACES held a business meeting and holiday party on December 4, 2008. The business meeting was hosted by John Kamins and the Bloomfield Hills office of Honigman Miller Schwartz & Cohn, LLP. Following the meeting ACES members adjourned to Northern Lakes Seafood Company for a holiday party, including appetizers and cash bar. Special thanks are extended to Secretary John Kamins and Honigman Miller for hosting the meeting, and to ACES Council Member Richard Herman for organizing the holiday party.

Roundtable Discussion with Theatre Professionals

Hilberry Theatre, Wayne State University

ACES held a roundtable discussion with theater professionals and lawyers at Wayne State University's Hilberry Theatre on January 22, 2009. Participants discussed recent cases and legal issues in the theater, particularly the issue of whether or not stage directions in a theatrical production are, or should be, copyrightable. The discussion was followed by the Hilberry's production of *Born Yesterday* a play by Garson Kanin; complimentary tickets were provided to participants of the roundtable discussion. Special thanks to Wayne State University and the Hilberry Theatre for hosting the event, and to event organizer ACES Council Member Richard Herman.

Roundtable Discussion with Documentary Filmmakers

Ringside Creative, Oak Park, MI

Building on the success of the Theatre Professionals Roundtable Discussion at the Hilberry Theatre, ACES held another roundtable discussion involving the arts and copyright issues. This discussion, held on March 5, 2009 at Ringside Creative in Oak Park, MI, focused on issues relevant to documentary filmmakers, most notably copyright law's "fair use" doctrine and its application in their industry. Participants reviewed an extended trailer for the soon-to-be-released documentary film "It Came From Detroit" (described as "the ultimate fan's look at the city's internationally renowned 'garage rock' scene"), and discussed with the filmmakers their attempt, and struggle, to stay within fair use guidelines. Special thanks to ACES Member Les Schefman and Ringside Creative for hosting, and, once again, to ACES Council Member Rick Herman for organizing the event.

**STATE BAR OF MICHIGAN
2008-2009 ANNUAL REPORT
ARTS COMMUNICATIONS ENTERTAINMENT & SPORTS (ACES) SECTION**

***Free Educational Panels at the 47th Ann Arbor Film Festival
WORK Gallery, Ann Arbor***

ACES co-hosted with the Ann Arbor Film Festival (“AAFF”) two free educational panels during the 47th Ann Arbor Film Festival.

The “Michigan in Motion” panel discussion took place on Wednesday, March 25, 2009, at the WORK Gallery in Ann Arbor. The new film tax incentives in Michigan created a national buzz in the past year, with Hollywood film projects receiving much of the attention. The panel discussed what the film tax incentives mean for the independent filmmaker and new media artist, who qualifies, and what projects benefit most. The panel also considered if the incentives working as intended and the prospects for their future. The panel provided an insider’s guide for independent filmmakers from several of Michigan’s experts in the field, including tax specialist Julie May and ACES members Howard Hertz.

The “Remixing the Rules” panel discussion took place on Thursday, March 26, 2009, also at the WORK Gallery in Ann Arbor. One of the most critical and ongoing debates in the global entertainment industry is the battle over fair use rights and copyright law in the arts. Whether music, film, new media or beyond, this issue does not just affect these industries, it is redefining the entertainment world as we know it. The animated and educational discussion focused on copyright law, fair use, and infringement; where panel members considered the current state of copyright law, whether it is compatible with the growing movement of remix art and culture, and whether it is serving or stifling the very creativity it is supposed to foster. Panelists included sample-based filmmaking legend Craig Baldwin, Negativland founding member Mark Hosler, and copyright attorneys and ACES Members Larry Jordan (Council Member) and Matt Bower (Chair).

Both panels were free and open to the public as part of the commitments of the AAFF and ACES to educational outreach. Special thanks to ACES Council Member Larry Jordan for organizing the event.

***Roundtable Discussion Regarding Michigan Film Tax Credits
Miller Canfield, Detroit, MI***

On April 21, 2009, at the Detroit office of Miller Canfield, ACES continued its popular series of roundtable discussions, this time delving deeper into issues regarding Michigan film production. The discussion focused on understanding and advising clients regarding the Michigan Film Tax Credits, as well as providing tools on how to move clients from film concept to rebate certificate to rebate check. Presenting at the meeting were moderators (and ACES Council Members) John Willems and Jeffrey Richardson, speakers Mike Mosallam, Director of Film Initiatives (Wayne County Land Bank), Ken Droz with the Michigan Film Office, and Lisa Berden with Miller Canfield. The meeting was hosted by John Willems and Miller Canfield. Special thanks to the meeting hosts, and to John Willems and Jeffery Richardson for organizing the event.

**STATE BAR OF MICHIGAN
2008-2009 ANNUAL REPORT
ARTS COMMUNICATIONS ENTERTAINMENT & SPORTS (ACES) SECTION**

ACES/ICLE Seminar

***Hot Topics in Entertainment Law: Gaming & Internet Law
The Inn at St. Johns, Plymouth, MI***

ACES and the Institute of Continuing Legal Education (“ICLE”) continued their successful relationship by, once again, cosponsoring a seminar on developments in the arts, communications, and entertainment industries. This year’s seminar, *Hot Topics in Entertainment Law: Gaming & Internet Law*, was held on May 20, 2009 at the Inn at St. Johns, Plymouth, MI (also available via webcast) and covering recent developments in gaming and Internet law. Attendees learned: the ins and outs of gaming law including how to obtain licenses, resolve compliance issues and handle contested licensing cases; how to successfully deal with the broad range of issues that arise from the increased use of social networking sites; and advice and perspective on the latest and most important e-commerce and entertainment law topics. The seminar was organized and moderated by ACES Council Member Larry Jordan. Presenters included, Douglas L. Minke with Regulatory Management Counselors PC (East Lansing), Kathryn L. Ossian with Miller Canfield Paddock and Stone PLC (Detroit), Howard Hertz with Hertz Schram PC (Bloomfield Hills) and Larry Jordan with Jaffe Raitt Heuer & Weiss PC (Ann Arbor).

Council Meeting

Foster, Swift, Collins & Smith, P.C., Farmington Hills, MI

On June 25, 2009, the ACES Council Members will convene to discuss committee activities, upcoming events, and plan for next term. The meeting will be hosted by ACES Secretary John Kamins and the Farmington Hills office of Foster, Swift, Collins & Smith, P.C.

Michigan Makes Movies Expo

Rock Financial Showplace, Novi, MI

CBS Radio Detroit is presenting a conference, the “Michigan Makes Movies Expo”, on Sunday, July 12, 2009, at the Rock Financial Showplace, Novi, MI. The event will feature thirty five different breakout sessions for people to choose from throughout the day. The breakout sessions will be conducted by actors, producers, casting agents, and other industry professionals covering such topics as how to get extra work, how to get your kid in pictures, TV and film production, independent filmmaking, script writing, and more. ACES will be presenting two panel discussions including “The Ten Legal Mistakes Filmmakers Make and How to Avoid Them” and “Fair Use Law for the Documentary Filmmaker”.

Section Meeting

ACES has scheduled a general section meeting for August 20, 2009. A time, location, and topic are to be announced.

Meeting with Law Students

University of Detroit Mercy

On September 16, 2009, ACES Council Member Kim Ward and ACES Member Prof. Howard Abrams will host an ACES meeting with law students at the University of Detroit Mercy.

SECTION LEGISLATURE AND POLICY: The Section has been, and continues to be, involved in legislation and policy on the issue of Right of Publicity. Senator Hanson Clarke has been spearheading the issue in the Michigan legislature and has relied on several ACES members,

**STATE BAR OF MICHIGAN
2008-2009 ANNUAL REPORT
ARTS COMMUNICATIONS ENTERTAINMENT & SPORTS (ACES) SECTION**

including Jeffrey Richardson, Howard Hertz, and Larry Jordan for guidance and input for this legislation.

AWARDS: Each year, ACES presents an award to a member who has contributed greatly to the sports and entertainment industries in Michigan. In 2008, the award was presented to Tracy Thompson, an active supporter of community television and member of the Digital Arts Film Television Association. The 2009 recipient will be presented with the award at a ceremony at the Birmingham Community Center, Birmingham, MI, on October 25, 2009, in conjunction with the Section's annual meeting.

FINANCIAL REPORT: As of April 30, 2009, the Section's beginning fund balance was \$10,041.18 and its ending fund balance was \$9,774.89. The Section took in revenue of \$6,028 in member dues. The Section's total expenses so far are \$6,294.29.

FUTURE GOALS AND ACTIVITIES:

- ACES will continue to seek motivated individuals who are interested in serving as officers of the Section and to expand its membership.
- ACES will continue efforts to revive its Volunteer Lawyers for the Arts and Culture (VLAC) program; previously housed with ArtServe Michigan. Members continue to reach out to various organizations that may be interested in administering and promoting the program, and a standing VLAC Committee, with ACES Council Member Richard Herman as Chair, has been formed.
- ACES will continue its successful revival of the "Spring Seminar"; which re-launched this year with its cosponsored event with the Ann Arbor Film Festival. Historically, this seminar was an annual event on the ACES calendar directed towards the creative community. ACES has formed a standing Seminars Committee, with Matt Bower as Chair, to plan this annual event going forward and to identify and partner with different organizations to cosponsor the event (e.g., museums, schools, theaters, festivals, foundations, etc.).
- ACES will continue work on Right of Publicity legislation.
- ACES has been asked to continue its relationship with ICLE for another year, and discussions have already begun on seminar topics and materials for next year. The parties will continue to work on developing a certification program for entertainment law.