

Mason Arts and Entertainment Advocacy Clinic
Prof. Sandra Aistars
Syllabus and General Class Policies
Tuesdays 1:50-3:50pm

Prof. Sandra Aistars saistars@gmu.edu

Weekly Clinic project check-in : Thursday 6:15-7:15pm via zoom

Office hours: Wed. 3-5pm in person or via zoom; please let me know in advance, if you plan to drop in so I know to look for you.

Learning Outcomes and Grades

In this course you will apply the legal knowledge and analytical skills you have acquired in law school to advocate on behalf of artists and other authors, non profits and small businesses in the creative sector.

Our work will challenge you to demonstrate creative problem-solving, and think beyond the law (remember that we are human beings first) when interacting with clients. You will learn to counsel your clients in a fashion that is not only legally sound, but practical to their circumstances.

Because you will be representing actual clients facing real-world legal challenges, with real consequences, you will gain firsthand experience practicing law professionally and according to the ethical norms expected of members of the legal profession.

Based on the workload we have lined up so far, at a minimum, you will:

- Learn how to interview clients, analyze their legal concerns and counsel them verbally and in writing by planning and conducting drop-in workshops and by working with me and volunteer mentors to represent clients seeking copyright advice referred to us by Washington Area Lawyers for the Arts;
- Practice your interviewing skills and build on your legal research and writing skills by representing a photographer seeking advice in assessing the value of his copyright portfolio in the context of a negotiation to sell rights to a major museum;
- Practice your client counseling skills and practical skills by representing a musician seeking advice in understanding the terms and implications of a contract he has been offered by an agent interested in distributing his music to retail venues as background music;
- Practice your client counseling, interviewing, legal research and presentation skills by working with a recently established non profit organization that educates choreographers about copyright matters to help them develop and present educational programming about copyright registration and enforcement and other copyright matters of specific interest to choreographers;
- Anticipate the needs of future clinic clients and advocates by working with the first clients in a program being launched with the support of the Copyright Alliance to provide support to BIPOC creators in registering their works at the Copyright Office

- Assist artists and creators in understanding their rights and how to effectively participate and have claims heard before the recently-launched Copyright Claims Board in the USCO;
- Develop an online educational session on copyright in the metaverse to be shared with artist members of Washington Area Lawyers for the Arts.

We will have regular in person and zoom meetings, and be joined by guest lecturers so that you may grow your network and experience different perspectives on copyright matters.

Grades will be based on the final portfolio of written client work you submit at the conclusion of finals week, as well as on effective and consistent class participation.

Effective participation requires both active independent and in class engagement with clients, professors/mentors, the materials and with each other. Your grade will be determined by demonstrating thoughtful, consistent engagement with all of the above as indicated by analyzing, researching, drafting, sharing, and commenting on client projects and other class work and discussions throughout the semester. Because this is a class, the expectation is that you will first attempt to identify solutions to address the problem presented, then seek feedback and incorporate comments and build on those comments and experiences over the course of the semester. DO NOT expect your mentors or professors to organize or complete the tasks for you.

Reading Assignments

We will rely principally on various articles, cases, background materials, filings, bill drafts, regulations, briefs and other working materials as listed in the class schedule below or emailed to you/posted to the asynchronous discussion to prepare for in class discussions.

I recommend you consult the below additional resources as good starting points when you research and answer client questions:

Entertainment Law, Forms and Analysis, Corey Field & Barry Slotnick

This volume is available in the Library in hard copy.

Compendium of US Copyright Office Practices, Third Edition (available on www.copyright.gov). Though written as a resource for U.S. Copyright Office employees primarily on internal registration related practices, this document is a very practical and useful guide to basic issues that come up in counseling clients on a variety of copyright issues.

You may find the following blogs helpful in keeping up to date on newsworthy copyright topics:

www.illusionofmore.com
www.copyrightalliance.org

EMAIL COMMUNICATION: Students must use their MasonLive email account to receive important University information, including communications related to this class. In accordance with University policy I will not respond to messages sent from or send messages to a non-Mason email address.

ATTENDANCE: Regular and punctual attendance in person unless alternate accommodations are

requested via the Assistant Dean, Student Academic Affairs is required to earn academic credit. Attendance requirements for academic credit will follow the policies set forth in Academic Regulation 4-1. Should circumstances occur where you anticipate the possibility of missing a substantial number of class sessions (e.g. a serious illness), you should immediately contact the Assistant Dean, Student Academic Affairs to make appropriate arrangements and notify me. Although we will rely on zoom for many classes in order to connect with clients and outside speakers, attendance by zoom is not permitted and does not count towards attendance, even in the case of illness, unless arrangements are made in advance with the Assistant Dean, Student Academic Affairs.

- Additional zoom only sessions will be scheduled by your mentors. Attendance at those meetings will be tracked by noting whether you were actively participating on line with the camera engaged and pointed at you for the duration of the meeting

CLASS RECORDINGS PROHIBITED: Pursuant to Academic Regulation 4-2.2, no portion of a class session or an examination may be preserved by means of a recording device such as an audio recording device or camera. This is especially important given the nature of our seminar where we will be discussing client confidential matters.

- The instructors/mentors may record course sessions conducted via zoom to ensure continuity of instruction in the event of a COVID related absence, or as otherwise instructed by the Assistant Dean, Student Academic Affairs. Please advise if you have a technical or other difficulty and need to access a recording, for instance to hear comments on your work again. Because so much of the class will depend on active discussion and collaboration, passive listening to classes you have missed will generally not be sufficient to advance your learning in the class. Accordingly, substitute assignments for missed classes are not possible.

COVID INSTRUCTIONAL CONTINGENCY PLAN: This course is being taught with the assistance of two adjunct professors. In the event of COVID related instructional contingencies, one or more of the adjunct professors or mentors will cover class responsibilities.

COVID HEALTH & SAFETY REQUIREMENTS: Please refer to the most up-to-date University policies [here](#).

PAPER EXTENSIONS: Except for instances described in AR 4-4.1(b)(ii), faculty may not grant deadline extensions for final papers (i.e. Your portfolios); all authority in this matter is delegated to the Assistant Dean, Student Academic Affairs. Excuses and requests for a deadline extension must be presented, with appropriate documentation, to the Assistant Dean, Student Academic Affairs. Except in emergencies, deadline extensions must be sought in advance of the scheduled deadline. Note that there are steep deductions in grades required for every day past the scheduled deadline a paper is turned in. **Portfolios are due before midnight Dec. 14.**

ACADEMIC INTEGRITY: It is expected that students adhere to the Antonin Scalia Law School Honor Code. The Honor Code prohibits lying, cheating, or stealing. This includes a student obligation to never represent the work of another as their own, and to never provide or accept unauthorized assistance on any school related assignment. The Honor Code is available here: <https://sls.gmu.edu/honor/>.

CLASSROOM ACCOMMODATIONS: Disability Services at George Mason University is committed to providing equitable access to learning opportunities for all students by upholding laws that ensure equal treatment of people with disabilities. If you are seeking accommodations for this class, please visit <http://ds.gmu.edu/> for detailed information about the Disabilities

Registration Process. Faculty may not receive or respond to requests for an accommodation. All requests must be handled by the office of Disability Services. You may contact Disability Services directly via email at ods@gmu.edu or phone at (703) 993-2474. If you have any questions about how in-class or testing accommodations are implemented at the law school, please contact the Assistant Dean, Student Academic Affairs for more information.

ADDITIONAL SCHOOL POLICIES AND RESOURCES:

STUDENT HONOR CODE - [Click Here](#)

ACADEMIC REGULATIONS - [Click Here](#)

UNIVERSITY LIFE: University Life provides student support resources such as **Counseling and Psychological Services** (<https://caps.gmu.edu/>), **Student Health Services** (<https://shs.gmu.edu/>), and the **Student Support and Advocacy Center** (<https://ssac.gmu.edu/>). For more information about University Life on the Arlington Campus, please visit: <https://ularlington.gmu.edu/>

Weekly Class Schedule and Assignments

****Due to the nature of client work, client and guest speaker availability and court/agency filing deadlines the order and timing of assignments may change. ****

Client Work in this course is ongoing and collaborative with your peer colleagues, and faculty mentors. We will set additional weekly meetings with you to meet with clients, and weekly deadlines for you to submit work for review and comments in addition to the readings and meetings outlined below.

(Aug. 23) Class 1 - Copyright basics/Introductions –Readings: Ginsburg, Jane C., Overview of Copyright Law (July 1, 2016). Forthcoming, Oxford Handbook of Intellectual Property, Rochelle Dreyfuss & Justine Pila, Eds.; Columbia Public Law Research Paper No. 14-518. Available at SSRN: <https://ssrn.com/abstract=2811179>

(Aug. 30) Class 2 - Client Interviewing Skills – Discussion with Profs. Aistars and Semler, Mock interviews for client meetings next week.

Readings: Aaron, Marjorie Corman, "Client Science: Advice for Lawyers on Initial Client Interviews" (2013). https://scholarship.law.uc.edu/fac_pubs/343

Additional faculty materials on Teams

Watch video introductions to client matters.

Prepare: – Prior to class, research each client, prepare interview questions, deliverable on Teams, students will conduct mock interviews of clients in class, critiqued by Profs. Aistars and Semler

(Sep. 6) Class 3— Meeting with photography client. Meeting with musician client. Meeting with choreography client, Preview of IPDC BIPOC Registration Project.

Prepare: Review video introductions to client matters. Meet as a team to prepare interview outlines. Ensure that each team has reviewed and is sufficiently conversant with relevant legal provisions and any materials provided by clients in advance to conduct an initial fact gathering interview with each client. Client interviews will take place in class, supervised by Prof. Aistars

(Sep. 13) Class 4 – Resolving Disputes Before the CCB; Assigning CCB-related projects

Readings: Watch video (FYI it's 1 hour, 15 mins long):

<https://vimeo.com/732513634/0aebdb27f> ; Read through CCB FAQs:
<https://copyrightalliance.org/education/faqs/#copyright-claims-board-faqs>

(Sep. 20) Class 5 – What its Like to Litigate Against the Government: Asserting State Sovereign Immunity Claims as an Author. (Meeting with Michael Bynum, plaintiff/appellant in Canada Hockey LLC et.al v. Texas A&M University seeking a hearing before the Supreme Court)

Readings: Canada Hockey LLC et.al v. Texas A&M University, petitions and appendix
Prepare: Questions for guest speaker, deliverable on Teams – seek to understand both doctrinal issues of Mr. Bynum’s case and the client experience of litigating a case to the Supreme Court

(Sep. 27) Class 6 – Understanding Non Fungible Tokens & Their Impact on Creators - Guest Lecture with Kevin Madigan, VP Copyright Alliance

Readings: See posting of SSRN links on Teams

Prepare: Questions for guest speaker, deliverable on Teams; use this opportunity to explore issues that will be relevant for our WALA artist education session

(Oct. 4) Class 7- Check in on research for photography and music clients. Come prepared to moot & critique delivery of advice by each team. Presentations will be critiqued by class members and by Profs.

(Oct. 11) NO CLASS – OBSERVE MONDAY SCHEDULE

(Oct. 18) Class 8 – Technical prep session/ brainstorm with TenCent and/or Performing Arts Game Design Students on how to deliver educational event on copyright issues in the metaverse for WALA Artist education session.

Readings: See posting of SSRN links on Teams

Prepare: Come prepared with ideas of copyright issues relevant to artists for licensing works for use in the metaverse; suggest ideas for demonstrating/discussing with visual and or A/V references

(Oct. 25)Class 9- Case rounds – focus on IPDC Registration project, circulate and critique scripts for CCB guidance for artists, check in on progress on Copyright in the Metaverse presentation

(Nov. 1) Class 10 - Dry run of Copyright in the Metaverse presentation for WALA online workshop, preliminary review of any questions received from artists so far

(Nov. 8) Class 11 – Meeting and final preparation for online workshop with Maggie Gladson, WALA Director of Legal Services

Prepare: Prepare answers to questions pre-submitted by artists as assigned and be prepared to discuss and offer comments to colleagues

(Nov. 15) Class 12- WALA On Line workshop “Copyright in the Metaverse” Presentation

(Nov. 22)Class 13- Final check in with clients; opportunity for portfolio advice from Professors– TBD

CONTENT OF PORTFOLIOS: Your final portfolios shall consist of final copies of every project you worked on in the Clinic, plus a narrative reflecting on your work in the clinic.

Two formats have proven particularly effective in previous years, but you may choose any format you wish.

Example a: Include a short (500-1000 word) essay with each assignment reflecting on the assignment, the leadership role and other contributions particular participants in the Clinic took, the challenges and opportunities each assignment posed (e.g unexpected research hurdles, tight deadlines, sensitive issues, unfamiliar area of the

law, interactions with a client, etc.) and how you/other collaborators overcame them/learned from them noting particular leadership roles participants volunteered for etc.

Example b: Keep notes and impressions of the above issues throughout the semester – perhaps in the form of a journal- and at the end of the semester submit a comprehensive narrative review covering the same general themes as in example a although not necessarily organized on an assignment-by-assignment basis.

Note that these narrative overviews of your reflections on the clinical experience are particularly helpful in our final grading. They allow you to highlight where you (and others) took a special leadership role in the course and made contributions to the clients' benefit, and to the overall success and learning of your colleagues. These documents likewise provide an opportunity to reflect on the strengths and contributions of colleagues and highlight how the group did (or in some cases did not) effectively use each others strengths to provide excellent service to the Clinic's clients.

As a practice note, these narratives may seem similar in concept to the yearly memos that partners write to the managing committees of their firms explaining the strengths/weaknesses and overall contributions of their personal practice to the firm which are used to calculate the compensation each partner will receive from that year's profits. We include them here however for different, pedagogical, purposes – to encourage you to think thoroughly about each assignment and how you personally approached it both in terms of what you offered the client, your collaborators in the clinic, and what personal/professional and practical learnings you can take away from each experience

Portfolios are due before midnight Dec.14,2022