Mason Arts and Entertainment Advocacy Clinic Fall 2023
Tuesdays 1:50-3:50pm in person;
additional zoom session TBD

Prof. Sandra Aistars saistars@gmu.edu

Office hours: directly before or after class, or as scheduled per our mutual convenience. I am happy to meet via zoom to accommodate schedules.

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 client counseling, interviewing, legal research and presentation skills by working with an organization that educates incarcerated and recently released artists about issues relevant to their work;

- Provide legal information, counseling, education and support to BIPOC creators in registering their works at the Copyright Office;

- Represent artists and creators who are clients of the national law firm Michael Best LLP before the recently-launched Copyright Claims Board in the USCO;

- Work with an organization that represents Voice Artists to develop a program to be shared via webinar with other artists about the impact of deep fake and generative AI technology on artists' ability to control the use of their voice, image, name and likeness by others.

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.

You will prepare various types of communications to clients including oral, formal and informal written correspondence. Plans for such communication and counseling will be discussed in class

and with professors/mentors outside of class before it is delivered. You will receive input and feedback on your suggested counseling on issues including substance, tone and effective communication. However the goal is for you to be the main point of contact and the lead counselor for the client, and to be responsible for thoroughly understanding the client's needs and goals, researching their questions and delivering correct and complete advice.   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 and collaboration with other students to ensure all clinic clients are receiving correct and complete advice. Your portfolio will also include a written narrative component to allow you to reflect on your personal development and learning throughout the semester as well as your contributions to the clinic as a whole.

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. <u>DO NOT</u> expect your mentors or professors to organize or complete the tasks for you. DO expect us to give you extensive and intensive comments and advice throughout the process —particularly during in class case rounds.

AI Policy
The school has adopted the following AI policy which we enforce in the clinic. Unless the syllabus is updated to reflect specific permissions to use AI resources the prohibitions in effect under the policy apply.

AR 4-3: Limitations on the Use of Generative Artificial Intelligence (GAI) in Academic Work

(a) Definition: Generative artificial intelligence (GAI) is a type of artificial intelligence that uses algorithms to generate new content, such as text or images, based on the data it has been trained on. For purposes of this regulation, GAI is not intended to encompass legal research databases and word processing applications that, while incorporating AI-based elements or enhancements, do not generate novel text.
(b) Papers and coursework: The use of GAI in drafting or writing coursework, including papers and reaction papers, is prohibited unless expressly identified in writing by the instructor as an appropriate resource for the work in the instructor's course.
(c) Examinations: The use of GAI in preparing to write or writing exam answers is prohibited unless expressly identified in writing by the instructor as an appropriate resource for the exam in the instructor's course.
(d) In no instance are instructors allowed to permit any use of GAI prohibited in (b) or (c) in the Law School's required courses specified in AR 3-3.2(a) (except for LRWA IV). Any midterms or exams in these courses must be given in a closed-internet format.
(e) Instructors permitting the use of GAI outputs shall specify in writing the course parameters of allowable use and disclosure expectations. Instructors may require students to disclose the GAI outputs relied upon, and further show exactly how and where those outputs were used in the academic work.
(f) If not expressly identified as permissible in writing by the instructor, any use of GAI will be considered academic dishonesty involving cheating in violation of Section 1.01.1 and/or 1.01.5 of the Honor Code, and violators

may be subject to the disciplinary sanctions set forth in Section 3.01 of the Honor Code. Law School instructors and administrators reserve the right to use AI detection software to find instances of GAI in student submissions.

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 the professors 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, unless a class is specifically scheduled as an all zoom class by the Professor (because we are delivering an on line seminar to outside attendees for instance) attendance by zoom does not count as attendance, even in the case of illness, unless arrangements are made in advance with the Assistant Dean, Student Academic Affairs.

- Additional mandatory zoom only sessions will be scheduled by your mentors. <u>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.</u>

CLASS RECORDINGS PROHIBITED: Pursuant to Academic Regulation 4-2.2, no portion of a class session 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 record course sessions conducted via zoom pursuant to school policy. 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.

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

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 11:59pm Wed. Dec.13.**

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 hppt://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.

<u>**ADDITIONAL SCHOOL POLICIES AND RESOURCES:**</u>
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/

<u>**Weekly Class Schedule and Assignments**</u>

****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. ****
*****Please provide us with drafts of your work for comments by 10 pm Saturday prior to class in any week when case rounds are planned. *****

Client Work in this course is ongoing and collaborative with your peer colleagues, and faculty mentors. During the first week of class Prof. Stephanie Semler will set a weekly check in time to address questions on client work and meet with clients. We will try to set client meetings during class times or the check in time as much as possible. We will set additional client work deadlines for you to submit work for review and comments as we receive projects from clients in addition to the readings and meetings outlined below.

(Aug. 22) Class 1 - Copyright basics/Introductions –Readings: Ginsburg, Jane C., Fifty Years of U.S. Copyright: Toward a Law of Authors' Rights? (September 26, 2022). American Intellectual Property Law Association Quarterly Journal, Forthcoming, Columbia Public Law Research Paper, No. 14-708, 2022, Available at SSRN: https://ssrn.com/abstract=4230363

(Aug. 29) Class 2 - Client Interviewing Skills – Discussion with Profs. Aistars and Semler, Mock interviews for client meetings.

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

Prepare: – Prior to class, write three paragraphs describing the type of counselor you would like to be. Identify a model of client counseling you envision yourself following and describe why.

In preparation for meeting with clients prepare interview questions, deliverable on Teams, students will conduct mock interviews of clients in class, critiqued by Profs. Aistars and Semler

(Sep. 5) Class 3—Meeting with Representatives of National Association of Voice Actors to discuss concerns about deep fakes/AI and licensing. Begin to plan how to research and present legal information on these issues to interested arts community.

Prepare: - Prior to class, as a group conduct general research about the organization, its leadership, and main concerns. Do basic background research on deep fakes and generative AI systems and how they impact actors/voice actors/video game actors. Consider particular problem scenarios that might raise concerns for actors. Scan terms of

service of popular AI platforms and gaming platforms to understand how they may intersect (if at all). Divide up and coordinate areas of focus for discussion with client among group members to ensure orderly and comprehensive interview plan.

(Sep. 12) Class 4 – Meeting with the Justice Arts Coalition to discuss client needs (tentative/invited).
Preview of Copyright Alliance Initiative to Promote Diversity in Copyright (IPDC program) Registration Project by Prof. Carrington. Overview of current matters and case status by Prof. Semler.

Prepare: Review video introductions to client matters. Meet as a team to prepare interview outlines and discuss in weekly mentor session. 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 interview with Justice Arts Coalition will take place in class, supervised by all profs. Meetings with registration clients will take place in zoom sessions, supervised by Prof. Semler. Watch IPDC registration webinar: https://www.dropbox.com/s/h9gzz8tgg1f44wy/GMT20221006-221918_Recording_gallery_1920x1080.mp4?dl=0

 (Sep. 19) Class 5 – Resolving Disputes Before the CCB – Prof. Joe Keeley

{Readings: Watch video (FYI it's 1 hour, 15 mins long): https://vimeo.com/732513634/0aebbdb27f; Read through CCB FAQs: https://copyrightalliance.org/education/faqs/#copyright-claims-board-faqs }

(Sep. 26) Class 6 – Practice & Procedure Before the CCB – Prof. Joe Keeley

Readings: TBD

 (Oct. 3) Class 7 ─ Trademark Law for Copyright Owners & Creators – Prof. Stephanie Semler
Readings: https://www.uspto.gov/learning-and-resources/ip-policy/musicians-and-artists-profile
https://www.inta.org/wp-content/uploads/public-files/resources/INTATMBasicsBrochure.pdf
https://copyrightalliance.org/faqs/difference-copyright-patent-trademark/

(Oct.10)- No Class ─ Follow Monday Schedule; please attend copyright sessions of C-IP2 Annual Conference scheduled for
        *Thursday 10/12 1:20-2:35 pm : What's Next for Copyright and Licensing After Warhol and the Internet Archive Cases?
        *Friday 10/13 10:35:11:50: Generative AI and Human Authorship

(Oct. 17) Class 8 – Case rounds: discuss progress on presentation to WALA for NAVA.
Prepare: Be prepared to present and discuss your research so far. Come prepared to pose any questions you need answered in order to organize scripts and approach for program presentation and slides.

Prepare: Each student should come prepared with promotional materials including graphic (complying with all IP laws) and description of event to be suggested to WALA for use for

eventbrite invitation. Students and professors will choose and finalize a single set of promotional materials in class and a designated student will deliver them to WALA. Use logos and formatting information provided by Prof. Semler in Teams.

(Oct. 24) Class 9- Deliver research for Justice Arts Coalition clients and IPDC registration clients. Come prepared to moot & critique delivery of advice by each team. Presentations will be critiqued by class members and by Profs with goal of finalizing deliverables by end of class.

(Oct. 31) Class 10 — Copyright and AI – Prof. Terrica Carrington

Prepare: TBD

(Nov. 7) Class 11- Case rounds – CCB Case(s) – Prof. Joe Keeley
Time permitting: Dry run of presentation for WALA online workshop, preliminary review of any questions received from artists so far. Review is in class with professors only.
Prepare: Prepare all slides and notes for presentations/discussions with artists that you plan to use in the WALA session and come to class prepared to present them for critique and suggested revisions in a live session.

(Nov.14) Class 12- Meeting and final preparation for online workshop with Maggie Gladson, WALA Director of Legal Services
Prepare: Revise all slides and presentations as discussed in dry run. Prepare answers to questions pre-submitted by artists as assigned and be prepared to discuss and offer comments to colleagues. Class will occur all on-line using the technology you plan to use and from the location you plan to participate from for the actual workshop so that equipment and your use of the platform can be tested.

(Nov. 21) Class 13 - WALA On Line workshop "I Am Not A Machine – Unauthorized Uses of Voices and Likenesses by Deepfakes and AI" as tested the week before.

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 by 11:59pm Dec 13, 2023