

## **Mason Arts and Entertainment Advocacy Clinic Spring 2024**

Tuesdays 1:50-3:50 pm in person; additional weekly Zoom session TBD

Prof. Sandra Aistars [saistars@gmu.edu](mailto: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;

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. DO NOT 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 are 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 outlined 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](http://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](http://www.illusionofmore.com)  
[www.copyrightalliance.org](http://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 a zoom class by the Professor (because we are delivering an online 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.

Attendance at those meetings will be tracked by noting whether you were actively participating online 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 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 11:59 pm on Wed. May 8, 2024.**

**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://www.law.gmu.edu/assets/files/academics/honor\\_code.pdf?ver=04aug2023.pdf](https://www.law.gmu.edu/assets/files/academics/honor_code.pdf?ver=04aug2023.pdf)

**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 <https://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](mailto:ods@gmu.edu) or by phone at (703) 993-2474. Visit <http://ods.gmu.edu/> for more information. 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** - [https://www.law.gmu.edu/academics/honor\\_code](https://www.law.gmu.edu/academics/honor_code)

**ACADEMIC REGULATIONS** - <https://www.law.gmu.edu/academics/regulations>

**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. \*\*\*\*

\*\*\*\*\*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.

NB: All assignments to be prepared before a class are deliverable on Teams.

### **(Jan. 16) Class 1 - Copyright Basics/Introductions – Prof. Aistars and Carrington**

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>

### **(Jan 23) Class 2 – Working in Teams/Preparation for Law Firm Practice- Discussion with Profs. Semler and Keeley**

Readings:

Joseph Barrientos, et al. “Incorporating Interpersonal Skills in Everyday Law Practice”

[https://www.americanbar.org/groups/young\\_lawyers/resources/tyl/professional-development/incorporating-interpersonal-skills-everyday-law-practice/](https://www.americanbar.org/groups/young_lawyers/resources/tyl/professional-development/incorporating-interpersonal-skills-everyday-law-practice/)

Andres Perez Molina “Why New Lawyers Must Learn Emotional Intelligence”

[https://www.americanbar.org/groups/young\\_lawyers/resources/after-the-bar/professional-development/why-new-lawYERS-must-learn-emotional-intelligence/](https://www.americanbar.org/groups/young_lawyers/resources/after-the-bar/professional-development/why-new-lawYERS-must-learn-emotional-intelligence/)

Supplement re: File Security, time management (deadlines)

Prepare: Session with Carlos Sandoval to train on Teams before class, date TBD.

### **(Jan 30) Class 3— Client Interviewing Skills – Discussion with Profs. Aistars and Semler;** class will include a live interview regarding the needs of the Law Review on AI licensing issues.

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

Heather Lee Crick “A Case for Clear Client Communication”

[https://www.americanbar.org/groups/young\\_lawyers/resources/after-the-bar/practice-management/a-case-for-clear-client-communication/](https://www.americanbar.org/groups/young_lawyers/resources/after-the-bar/practice-management/a-case-for-clear-client-communication/)

Additional faculty materials on Teams

Prepare: – Before 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 why.  
Prepare for meeting with GMU Law Review re: AI policy

**(Feb 6) Class 4 – Registration of copyrights at the USCO – Prof. Carrington and Semler.**  
Each student/pair of students will be assigned an IPDC client prior to this session.

Readings: Watch the video on Registration practice before the USCO:

[https://www.dropbox.com/s/h9gzz8tgg1f44wy/GMT20221006-221918\\_Recording\\_gallery\\_1920x1080.mp4?dl=0](https://www.dropbox.com/s/h9gzz8tgg1f44wy/GMT20221006-221918_Recording_gallery_1920x1080.mp4?dl=0)

<https://copyrightalliance.org/faqs/copyright-registration-application-types/>

Prepare: research your assigned IPDC client needs and be prepared to discuss/raise questions/propose client interview scripts and registration strategies. These will be discussed in class with all professors commenting and offering advice.

**(Feb 13) Class 5 – Practice & Procedure Before the CCB – Prof. Keeley and Carrington**

Readings: TBD

**(Feb 20) Class 6 – Practice & Procedure Before the CCB – Prof. Keeley and Carrington**

Readings: TBD

Prepare: We will discuss how to turn what you have studied into a presentation for WALA members. Come to class with your ideas of how to present these materials to artists in a webinar you will be leading at the end of the semester. We will have an interactive discussion that you will lead and the professors will react to.

**(Feb 27) Class 7 — Trademark Law for Copyright Owners & Creators – Prof. Semler / WALA Case rounds**

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/>

Other TBD

Case rounds- discuss progress on presentation to WALA “Using the CCB to Protect Your Copyright Interests”.

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 approaches for program presentations and slides. Each of the clinic students should be creating & presenting a portion of the presentation.

Each student should come prepared with promotional materials including graphics (complying with all IP laws) and a description of the event to be suggested to WALA for use in the 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. Ensure we have the rights to use any needed artwork/logos etc in advance of this date. `

**(Mar 5) – SPRING BREAK NO CLASSES**

**(Mar 12) Class 8— Copyright and AI – Prof. Sandra Aistars**

Prepare: TBD

**(Mar 19) Class 9- Case Rounds.**

Deliver research for IPDC registration clients. Come prepared for calls with clients.

Time permitting: Dry run of presentation for WALA online workshop, preliminary review of any questions received from artists so far. The 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. This session will continue to weekly check-in session if necessary

**(Mar 26) Class 10- Meeting and final rehearsal for the online workshop with Maggie Gladson, WALA Director of Legal Services, and guest participants joining. CLASS IS ONLINE ONLY FROM YOUR CHOSEN WORKSHOP LOCATION USING A SEPARATE ZOOM WEBINAR DIAL-IN YOU WILL BE SENT IN ADVANCE.**

Prepare: Revise all slides and presentations as discussed in the dry run. Prepare answers to questions pre-submitted by artists as assigned and be prepared to discuss and offer comments to colleagues. The class will occur entirely online using the technology you plan to use and from the location from where you plan to participate in the actual workshop so that equipment and your use of the platform can be tested.

**(Apr 2) Class 11- WALA On-Line workshop:**

“Using the CCB to Protect Your Copyright Interests”. THERE WILL BE ANOTHER ZOOM WEBINAR DIAL-IN FOR THIS WEBINAR

**(Apr 9) Class 12 – Case Rounds —CCB Client work /AI client work**

**(Apr. 16) Class 13 — Case Rounds - CCB Client work/ AI client work /Portfolio discussion if needed**

**CONTENT OF PORTFOLIOS:** Your final portfolios shall consist of final copies of every deliverable you worked on in the Clinic, all client communication, items assigned for preparation for classes, and a narrative reflecting on your work in the clinic. The entire portfolio shall be delivered on Teams as one single PDF file with a Table of Contents. It must also contain the following elements:

1. A short (500-1000 word) weekly narrative on the week’s assignment, the lecture/guest speaker content, the leadership role and other contributions particular participants in the

Clinic took, 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.

2. All client-facing communication you prepared.
3. Final versions of all deliverables prepared for clients. You may also include intermediary versions that reflect your specific contributions.

Note that the 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 client's benefit and 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 other's 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