

Mason Arts and Entertainment Advocacy Clinic
Prof. Sandra Aistars
Syllabus and General Class Policies
Tuesdays 4-6pm

Prof. Sandra Aistars

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Office hours 3-4 PM Tue.

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 first hand 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 conducting two 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;
- Interview and provide an analysis of the viability of copyright infringement claims based on substantial similarity between the work of an author invited to submit treatments for his work for potential optioning by a major streaming company, and later produced episodes of another program by that company;
- Research and comment on issues affecting BIPOC choreographers attempting to protect their work via copyright registration;
- Analyze and advise a nonprofit on strategies to protect instructional materials related to STEAM programs on line;
- Analyze and advise a nonprofit educational institution on recording and archiving policies for lifetime learning lectures being conducted via zoom;
- Practice your interviewing skills and build on your legal research and writing skills by carrying out a major research project at the direction of the United States Copyright Office;

We will also have regular in person and zoom meetings, and often be joined by other practitioners for guest lectures 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 the materials and with each other. Your grade will be determined by demonstrating thoughtful, consistent engagement with client work as indicated by analyzing, researching, drafting, sharing, and commenting on client projects throughout the semester.

Reading Assignments

We will rely principally on various articles, cases, background materials, filings, bill drafts, 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
(please contact LHoward@alm.com if you would like to purchase a discounted e-book version).
This volume is available in the Library in hard copy and as an e-book on the Clinic computer.

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

- When we meet via zoom with outside participants we will generally still meet in person as a group in our regularly scheduled meeting space. In the event that we all meet for an out of class session virtually sessions are recorded for purposes of continuity of instruction and for attendance purposes. Attendance will be tracked by noting whether you were actively participating on line with the camera engaged and pointed at you and as per course instructions above 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.

- As noted above I will be recording 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 .

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. 16.**

CONTENT OF PORTFOLIOS: Your final portfolios shall consist of final copies of every project you worked on in the Clinic. Since most/all projects will require collaboration between multiple student advocates on behalf of a client the portfolio shall also include a narrative element in which each student individually reflects on their contributions to the work of the Clinic throughout the semester. 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.

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 professional mentors. Your professional mentors 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. 24) Class 1 - Copyright basics/Introductions – IN PERSON AT SCALIA LAW
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. 31) Class 2 - Client Interviewing Skills – Class led by Prof. Stephanie Semler
Readings: Aaron, Marjorie Corman, "Client Science: Advice for Lawyers on Initial Client Interviews" (2013). *Faculty Articles and Other Publications*.
https://scholarship.law.uc.edu/fac_pubs/343

Journal – Prior to class write 3 paragraphs setting your intentions for conducting client interviews; identify a model for the type of lawyer you wish to be and describe what that means for your interactions with clients. Come to class prepared to discuss.

(Sep. 7) Class 3 – Preparation for September 11 DC Shorts/WALA Copyright Basics Clinic & First Meeting with U.S. Copyright Office
Readings: Prior to class circulate your proposed answers to questions assigned to you for WALA clinic. Review and come prepared to comment on/provide advice to classmates on their assigned questions as well as to share your own proposed responses. Note – responses need not be fully scripted (and typically are better when they are not) but provide bullet

points and citations to the law so that we can all check the accuracy of your research and/or offer you additional resources

Useful resource for prepping answers for pop-up clinic:

https://www.wipo.int/edocs/pubdocs/en/copyright/950/wipo_pub_950.pdf

Sep. 11 SATURDAY DC SHORTS ON LINE POP IN COPYRIGHT BASICS FOR FILMMAKERS & CLINIC WITH WALA – 2pm presentation by WALA, 3pm clinic q&a == ZOOM ONLY ZOOM LINK TO COME

(Sep.14) Class 4 –Copyright Legislation– Class led by Prof. Terrica Carrington – IN PERSON AT SCALIA LAW WITH ZOOM GUEST SPEAKER CONFIRMED: Linda Bloss-Baum from SoundExchange

Readings:

Copyright Alternative in Small-Claims Enforcement Act (CASE Act):

- See CASE Act Guide on TWEN

American Music Fairness Act (AMFA):

- <https://copyrightalliance.org/wp-content/uploads/2021/06/AMFA-Bill-Text.pdf>
- <https://variety.com/2021/music/news/american-music-fairness-act-radio-royalties-1235004757/>

Protecting Lawful Streaming Act (PLSA):

- <https://copyrightalliance.org/protecting-lawful-streaming-act-signed/>

(Sep. 21) Class 5 – Forensic Musicology and Copyright Protection — Guest lecture with musicologist Judith Finell

Readings: TBD

(Sep. 28) Class 6 – Copyright Law and the Constitution — Sovereign State Immunity guest lecture by Michael Klipper and Rick Allen (plaintiff in *Allen v Cooper*)

Readings: https://www.supremecourt.gov/opinions/19pdf/18-877_dc8f.pdf

Use [Congress.gov](https://www.congress.gov) to find latest developments on Copyright Office study on sovereign state immunity

(Oct. 5) Class 7- Copyright, Cultural Misappropriation & the Black TikTok Strike- CLASS FORMAT TBD; GUEST SPEAKER INVITED: David Hecht, attorney representing celebrity choreographer JaQuel Knight

Readings:

- <https://copyrightalliance.org/cultural-misappropriation-copyright-blacktiktokstrike/>

- **Billboard article “*Inside 'Single Ladies' Choreographer JaQuel Knight's Quest to Copyright His Dances*” (available on TWEN) *This article was provided to us by Billboard specifically for use in this class and should NOT be re-distributed under any circumstances, or used in any way not directly authorized by the course professors.***

(Oct 12) Observe Monday Schedule – No classes

(Oct 19) Class 8 - Meeting and preparation for online legal clinic with Maggie Gladson, WALA Director of Legal Services

Prepare: Prepare answers to questions as assigned and be prepared to discuss and offer comments to colleagues

(Oct. 26) Class 9- WALA On Line Legal Clinic, Performance & Discussion

(Nov. 2) Class 10 - (*Tentative*) Check in Meeting with U.S. Copyright Office - TBD

(Nov.9) Class 11 – Possible Copyright Workshop with Music Workers Alliance or Case Rounds – TBD

(Nov. 16) Class 12- Case rounds continued and practice presentations for meeting with U.S. Copyright Office -TBD

(Nov. 23) Class 13- Final meeting with U.S Copyright Office – TBD

Portfolios are due before midnight Dec. 16, 2021