

ENTERTAINMENT LAW CLINIC

Fall 2022/Course # ____

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LOCATION: Arranged

CLASS HOURS: Arranged

A. ABOUT THE COURSE

The Entertainment Law Clinic is an advanced entertainment law course for students who have completed the prerequisite substantive Entertainment Law course and seek practical experience in transactional and administrative entertainment practice. Students will represent clients in various entertainment fields, including music, film and television, dance, and art, as well as small businesses and non-profits operating in these industries. Students will principally focus on trademark and copyright prosecution and counseling, contract drafting and negotiation, royalty stream creation and retention.

The clinic has a classroom component that meets once each week for two (2) hours during the semester. Students are expected to present case updates and discuss their matters during these meetings. The classroom component will also provide students with a detailed overview of specific contract and intellectual property issues within this specialized industry. Students will approach contract drafting, negotiation, and related intellectual property registration (copyrights and trademarks) practically, reviewing cases, contracts, and administrative materials necessary to prepare the student for practice in the field.

B. LEARNING OBJECTIVES

Through in-class instruction and practical experience with real clients in various entertainment industries, students will:

1. Demonstrate an understanding of the business, contracts, and negotiation points unique to various entertainment fields;
2. Demonstrate an understanding of the statutory law and administrative guidance that underpins the industries, contracts, and intellectual property rights in the entertainment industry;
3. Interview clients to gain an understanding of each client's specific needs and goals in each transaction and prosecution and learn how to gather the correct information to provide clients with valuable counseling in various entertainment fields;
4. Evaluate client needs to identify, advise and counsel clients on protection of rights, development of assets, and educate in entertainment fields;
5. Demonstrate a high degree of ethical and professional responsibility as counselors of individuals and entities in the entertainment industry.

C. COURSE MATERIALS

Reading materials will be provided to students at least one week prior to the start of classes and supplemental materials throughout the semester through Microsoft Teams and/or email. Students are not required to purchase a casebook for the class, but are recommended to review the Trademark Manual of Examination Procedure, available at <https://tmep.uspto.gov/RDMS/TMEP/current>; and the Copyright Office Circulars, available at <https://www.copyright.gov/circls/>.

Additional recommended reading:

Donald S. Passman, All You Need To Know About the Music Business (10th ed. 2019) (ISBN 1501122185, 978-1501122187);

Jeff Brabec & Todd Brabec, Music Money and Success (8th ed. 2018) (ISBN 1787601382, 978-1787601383); and

Gregory Bernstein Understanding the Business of Media Entertainment (2d ed. 2019) (ISBN 0367074532, 978-0367074531).

D. CLASSROOM

Whether this course will be distance education, or will have a physical room assigned, and if so the extent to which the instructor might use the room during the semester, is not determined at the time when registration initially opens for this course. As we get closer to the start of the semester for this course, this syllabus will be updated as decisions are determined.

E. YOUR GRADE

Your course grade is determined by several factors, including: (1) an evaluation of the matters you have handled representing clients; (2) your weekly case memorandum; (3) a weekly quiz; and participation in the classroom component of the clinic. Attendance will be enforced to the extent required by the school and ABA policy, we teach the class for your benefit, so your failure to attend and participate will be your loss.

Case Memorandum (30%): As you are assigned new matters you will be required to prepare and update, on a weekly basis, a case memorandum. The memorandum will constitute the history of each of your matters from the initial client interview to the close of the matter or end of the semester, whichever comes first, and will detail your notes, investigations, correspondences, and analysis of each matter on a weekly basis. You will use this case memorandum to help prepare for the in-class case updates. You will also use this case memorandum to prepare a final report for the instructors to evaluate your handling of a matter.

Weekly Quiz (10%): Each week, you will be provided a quiz that will require you to answer, in multiple choice or short-answer (true/false, explain) formats, questions regarding the application of law to current entertainment events, existing lawsuits and appeals, and/or procedural, statutory, and administrative requirements necessary for representing the Clinic's clients.

Participation (10%)

Client intake and work on clinic matters (50%): Students are required to complete 50 hours of clinic work per course credit during the semester (3cr = 150h). Clinic work includes class attendance but does not include preparing for class. You are responsible for all work on client

matters in addition to class attendance and review of course materials to be prepared for class.

The Entertainment Law Clinic Student Manual details the clinic's policies and procedures. Students will receive the manual prior to orientation. You are responsible for reading the manual in its entirety before the first day of classes and complying with all applicable clinic policies and procedures in connection with your clinic work.

F. ATTORNEY-CLIENT COMMUNICATIONS AND ATTORNEY WORK PRODUCT

During class instruction, intake, and representation, students will serve as counsellors of creators, authors, and businesses where maturity and professional discretion are paramount to effective and ethical advocacy and representation. Students may not share privileged information regarding assigned cases without written consent of Professor Barks, Professor Alonso, and the affected client.

G. OFFICE HOURS

The professors are typically available before or after class to respond to questions or provide clarification on the materials presented. Additional meetings are available by appointment Monday through Friday. Students are encouraged to communicate directly with the professors through their provided email addresses if additional help or discussion is necessary.

H. CAPS

Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demand of a professional program, or feeling sad and hopeless. You can reach CAPS (www.uh.edu/caps) by calling (713) 743-5454 during and after business hours for routine appointments, or if you or someone you know is in crisis. No appointment is necessary for the "Let's Talk" program, a drop-in consultation service at convenient locations and hours around campus (www.uh.edu/caps/outreach/lets_talk.html).