AN INTERNATIONAL LEGAL SYMPOSIUM ON THE WORLD OF MUSIC, FILM, TELEVISION AND SPORTS

Presidential Campaigns, Politics, Presidential Leadership and Television: An American Odyssey

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Media Addiction: Guilty Revenues
By Peter Dekom

You Earned It: Earned Media Dominates the Equal Time Rule
By Emily Graham

By Richard Warren Rappaport

Composition/Recording Copyright
By Leslie Zigel
American Bar Association
Forum on the Entertainment and Sports Industries International Legal Symposium on the World of Music, Film, Television and Sports

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Media Addiction: Guilty Revenues

Is a fading television incumbency fatally dependent on political anomalies?

Ann M. Ravel (D – Chair of the Federal Election Commission) on the F.E.C.: “worse than dysfunctional.”

I. Citizens United

It started with the Supreme Court ruling in Citizens United vs. Federal Election Commission, announced on January 21, 2010, with the majority opinion written by Associate Justice Anthony Kennedy.

“Citizens United sought an injunction against the Federal Election Commission in the United States District Court for the District of Columbia to prevent the application of the Bipartisan Campaign Reform Act (BCRA) to its film Hillary: The Movie. The Movie expressed opinions about whether Senator Hillary Rodham Clinton would make a good president.

“In an attempt to regulate ‘big money’ campaign contributions, the BCRA applies a variety of restrictions to ‘electioneering communications.’ Section 203 of the BCRA prevents corporations or labor unions from funding such communication from their general treasuries. Sections 201 and 311 require the disclosure of donors to such communication and a disclaimer when the communication is not authorized by the candidate it intends to support…

“By a 5-to-4 vote along ideological lines, the majority held that under the First Amendment corporate funding of independent political broadcasts in candidate elections cannot be limited. Justice Anthony M. Kennedy wrote for the majority joined by Chief Justice John G. Roberts and Justices Antonin G. Scalia, Samuel A. Alito, and Clarence Thomas. Justice John Paul Stevens dissented, joined by Justices Ruth Bader Ginsburg, Stephen G. Breyer, and Sonia Sotomayor. The majority maintained that political speech is indispensable to a democracy, which is no less true because the speech comes from a corporation. The majority also held that the BCRA's disclosure requirements as applied to The Movie were constitutional, reasoning that disclosure is justified by a ‘governmental interest’ in providing the ‘electorate with information’ about election-related spending resources. The Court also upheld the disclosure requirements for political advertising sponsors and it upheld the ban on direct contributions to candidates from corporations and unions.

“In a separate concurring opinion, Chief Justice Roberts, joined by Justice Alito, emphasized the care with which the Court handles constitutional issues and its attempts to avoid constitutional
issues when at all possible. Here, the Court had no narrower grounds upon which to rule, except to handle the First Amendment issues embodied within the case. Justice Scalia also wrote a separate concurring opinion, joined by Justices Alito and Thomas in part, criticizing Justice Stevens' understanding of the Framer's view towards corporations. Justice Stevens argued that corporations are not members of society and that there are compelling governmental interests to curb corporations' ability to spend money during local and national elections.” Oyez.com

Companies, unions and business organizations effectively became “people” entitled to full rights under the First Amendment: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. The cork was removed from the bottle. The smoke rose from the bottle and drifted into every corner of the land.

In June of 2012, in American Tradition Partnership v. Bullock, the Court had one more shot to revisit the reasoning of Citizens United. Citing the natural corruption of allowing unbridled spending in a small (population-wise) state, Montana has passed a statute imposing limitations on union and company political contributions. Breaking along the same lines as their 2010 decision, the Supreme Court rejected that Montana statute and reaffirmed the reasoning of Citizens United. But there is a vacancy on the court, and that old 5-4 conservative majority is—temporarily? – a 4-4 split with the more liberal faction. Can Citizens United face reversal?

Many also wonder whether corruption prevention really has any validity in limiting political spending anymore. The post Citizens United political spending by organizations was staggering. As of the end of December 2015, “1,625 groups organized as super PACs have reported total receipts of $320,812,012 and total independent expenditures of $95,030,951 in the 2016 cycle.” OpenSecrets.org. Wow!

II. PACs and Super PACs

Political Action Committees (PACs) and Super PACs realigned the political landscape. For federal candidates in particular, effectively to generate the kinds of underlying donations (de facto donations) necessary to play in a very expensive and now ultra-competitive media-driven world, increasingly they were configuring their platforms to conform to the wishes and policy directives of the special interests funding those Super PACs. Money ruled, and it seemed as if candidates were increasingly going to the highest bidder.

“Technically known as independent expenditure-only committees, super PACs may raise unlimited sums of money from corporations, unions, associations and individuals, then spend unlimited sums to overtly advocate for or against political candidates. Unlike traditional PACs, super PACs are prohibited from donating money directly to political candidates, and their spending must not be coordinated with that of the candidates they benefit. Super PACs are required to report their donors to the Federal Election Commission on a monthly or semiannual basis – the super PAC's choice – in off-years, and monthly in the year of an election.” OpenSecrets.org. Thus, the differences between PACs and Super PACs are significant.

“The Supreme Court’s ruling in Citizens United made it easier for corporations and unions to use their treasuries to directly influence elections. Some restrictions remain: if they want to give directly to candidates, they still have to establish political action committees and raise funds for
them. But there are limits on how much traditional political action committees can accept in contributions and from whom: Currently, the cap on individual contributions is $5,000 a year. Donors to traditional union and corporate PACs must work for or own shares in those corporations or belong to those unions. They must be identified and the amounts of their donations made public. By contrast, super PACs can accept money in unlimited amounts from unions, corporations and unaffiliated individuals as well as from non-profit organizations that have been incorporated under innocuous-sounding names and that do not have to report the sources of their funding. That means individuals and entities with whom candidates might not wish to be publicly associated can support their campaigns anonymously…

“Do super PACs have to disclose the sources of their funding? ... That depends on what you mean by ‘disclose.’ Like other political action committees, super PACs do have to file regular financial disclosure forms with the Federal Election Commission. But because they are permitted to accept money from incorporated entities that do not have to make the sources of their funding public, it’s possible for them to keep the names of actual donors undisclosed. In 2010, a super PAC that was active in one of that year’s marquee House races listed a single donor: a 501(c)(4) organization that does not have to disclose its donors. This is what is known among some campaign finance lawyers as ‘the Russian doll problem.’”

SunlightFoundation.com. Dark money? Dark intentions?

Not that everyone was railing against this new political order, and there are differing views of the limitations. “One major misconception about Super PACs is the incorrect belief that they do not disclose their donors. In fact, all Super PACs are required by law to disclose their donors. This disclosure includes the name of the individual, group, or other entity that is contributing, the date on which the contribution occurred, and the amount given. Additionally, Super PACs must report all of their expenditures.

“Significant media coverage of Super PACs focused on their ability to spend unlimited amounts, but few journalists took the time to explain why that is. Americans, whether they act individually or in voluntary associations, have the right to spend unlimited amounts of their own money promoting political speech. According to the Supreme Court, limits on contributions to candidates are only constitutionally permissible because of the potential corrupting effects of such contributions. Independent spending, on the other hand, cannot be corrupting due precisely to its independence, and therefore cannot be limited.

“Contributions to PACs are limited because they can donate money directly to candidates; contributions to Super PACs are unlimited because they cannot donate to candidates and must comply with special rules when interacting with candidates. These rules prohibit acting at the request of a candidate or engaging in substantial discussion with a candidate or her agents regarding the specifics of Super PAC communications, including their content, intended audience, and timing…

“In short, Super PACs are far from the bogeyman that many media reports make them out to be. Super PACs cannot give money to candidates and there are strict regulations limiting the ability of such groups to coordinate their activities with candidates or their campaigns. Super PACs must disclose their donors and the amounts they receive from each contributor. Additionally, there is no evidence to suggest that the influence of Super PACs has ‘bought’ any elections whatsoever. Far from an evil entity, Super PACs are responsible for more political speech in elections, makings races more competitive in the process.
“Because of these restrictions, and the fact that independent communications might not be welcomed by the candidates these groups may support, the courts have ruled that contributions to Super PACs do not pose the same risk of corruption as contributions directly to candidates. As the Supreme Court has said corruption or its appearance is the only legal justification for limiting political fundraising, Super PACs are able to raise and spend unlimited amounts.” CampaignFreedom.org, posting a paper from the Center for Competitive Politics.

But watching what were once believed to be “outlier” candidates – “democratic socialist” Bernie Sanders and rather outspoken GOP frontrunner Donald Trump – post impressive primary/caucus numbers succeed without massive Super Pac support suggests that there is enough voter anger out there to push back against what is perceived to be establishment funding. In fact, the rather significant anti-Trump Super Pac money seemed only to cause his core constituency to dig in their heels. Could the new “I have money to buy influence” vector introduced by Citizens United actually create a new unexpected backfire?

Hey, we are protected from increasing and malevolent, rule-violating linkage between candidates, donors and the Super PACs, right? After all, violations will be stopped by the relevant federal watchdog agency, the Federal Election Commission, right? Not exactly!

III. The Federal Election Commission

“The chairwoman of the Federal Election Commission says she's largely given up hope of reining in abuses in raising and spending money in the 2016 presidential campaign and calls the agency she oversees ‘worse than dysfunctional.’

“In an interview with The New York Times, Ann M. Ravel says she was determined to ‘bridge the partisan gap’ and see that the agency confronted its problems when she became its chair [in December of 2014]. She said she had now essentially abandoned efforts to work out agreements on what she saw as much-needed enforcement measures.

“Instead, Ravel said she plans on concentrating on getting information out publicly, rather than continuing what she sees as a futile attempt to take action against major violations, the Times reported… She said she was resigned to the fact that ‘there is not going to be any real enforcement’ in the coming election, the newspaper reported.

“‘The likelihood of the laws being enforced is slim,’ said Ravel, a Democrat. ‘I never want to give up, but I'm not under any illusions. People think the FEC is dysfunctional. It's worse than dysfunctional.’

“The six-member commission is divided evenly between Democratic and Republican appointees. Tie votes along party lines on key issues are common and reflect disagreements over the agency's mission, its interpretation of rules and their enforcement.

“In the wake of the 2010 Supreme Court decision in the Citizens United case — it allowed corporations and unions to spend unlimited funds in support of political candidates — the lines drawn by campaign finance laws have become blurred and bent.

“Commissioners disagree over Ravel’s views, the [NY] Times reported.

“‘The few rules that are left, people feel free to ignore,’ said Ellen L. Weintraub, a Democratic commissioner.
“Congress set this place up to gridlock,” said Lee E. Goodman, a Republican commissioner. “This agency is functioning as Congress intended. The democracy isn’t collapsing around us.” New York Times, May 2, 2015. Violators will be... er... left alone? The F.E.C. is complete sham, toothless, a waste of taxpayer money designed to fail.

It does get worse. As the F.E.C. grapples with transparency, a path to disclose who some of the dark donors behind Super PACs might be, its intentional gridlock has stopped the effort dead in its tracks. The March 8, 2016 Washington Post explains: “A divided Federal Election Commission cannot agree to investigate whether super PAC donors used corporations to mask their identities in the 2012 campaign, effectively giving a green light to contributors writing checks through limited-liability companies in this year’s elections.

“FEC Assistant General Counsel William Powers wrote in letters to the nonprofit advocacy group Campaign Legal Center [in early March] that the six-member panel was split about whether to look into corporate donations that were made in 2011 to Restore Our Future, a super PAC backing then-GOP presidential nominee Mitt Romney. At least four commissioners must agree that there is a basis for an investigation before the agency’s lawyers can proceed. Absent that consensus, the FEC closed the cases, he wrote.

“At issue were three $1 million donations that Restore Our Future received from corporate entities in 2011. Among the donors was W Spann LLC, a company that had been incorporated in Delaware in March 2011 and was dissolved that July. The Campaign Legal Center and Democracy 21 filed a complaint alleging that W Spann’s contribution violated a federal ban on straw donors. Shortly afterward, former Romney business associate Edward Conard came forward and admitted he set up the LLC and made the donation through it.” Oy! Sounds like the secret societies of ye olde times!

So perhaps money does buy happiness... for those with an agenda and a willing to pay dearly to have their way with the political universe. Isn’t that the definition of a plutocracy? But does the seemingly failing attempt to use Super PAC money to “stop Trump” suggest a change in the political wind... from both sides of the aisle? Citizens-not-so-United?

IV. Money, Media and More Money

Thus our dear industry, media and entertainment, is raking in the newfound money for political advertising, noted above, in wheel-barrows. To too many in the industry, despite the signs of the backfire effect noted above, Citizens United is a saving grace in an industry sinking fast from disintermediation and Web-based alternative content delivery systems. Money, money, money. Back on May 22, 2015, Intercept.com began tracking the salivating media executives, licking their chops:

“At least one small slice of the American public looks forward to the non-stop, sleazy political advertisements set to inundate viewers during the 2016 elections: media executives and their investors.

“Peter Liguori, the chief executive of Tribune Company, said earlier this month that the next presidential campaign presents ‘enormous opportunity’ for advertising sales. Speaking at a conference hosted by J.P. Morgan Chase, Liguori, whose company owns television stations, referenced Super PAC spending as a key factor for why he thinks Tribune Co.
advertising revenue will rocket from $115 million in 2012 to about $200 million for the 2016 campaign cycle.

“Vince Sadusky, the chief executive of Media General, the parent company of 71 television stations across the country, told investors in February that his company is positioned to benefit from unlimited campaign spending, referencing decisions by the Supreme Court. ‘We are really looking forward to the 2016 elections with spending on the presidential race alone estimated to surpass $5 billion,’ Sadusky said, according to a transcript of his remarks.

“In 2012, Les Moonves, president and chief executive of CBS, memorably said, ‘Super PACs may be bad for America, but they’re very good for CBS.’

“His views appear unchanged. In a February [2015] investor call, Moonves predicted ‘strong growth with the help of political spending,’ particularly on television. He added dryly, ‘looking ahead, the 2016 presidential election is right around the corner and, thank God, the rancor has already begun.’

“In recent months, executives from media companies such as Nexstar Broadcasting, Gannett, and E.W. Scripps Co. have told investors that they are expecting a big jump in revenue from the 2016 political ad buys.

“The New York Times and Bloomberg have chronicled the rising political revenue to broadcast media companies, a trend accelerated by the Supreme Court’s Citizens United decision, which effectively removed limits on individual, corporate and union spending. A single station in Columbus, Ohio, for example, ‘grossed about $50 million in advertising [in 2012], of which at least $20 million was attributed to campaign spending,’ according to the Times. And the 2016 campaign cycle is expected to be the first time digital advertising alone will reach $1 billion, making big money groups a lucrative source of revenue for online publications.”

Needless to say, media outlets jacked-up their rates to the max. So high, in fact, that more than a few Super PACs began to rethink whether they were spending their money effectively.

“Soaring advertising costs in early primary states are compelling major ‘super PACs’ to realign their tactics, de-emphasizing costly broadcast commercials in favor of the kind of nuts-and-bolts work that presidential candidates used to handle themselves.

“They are overseeing extensive field operations, data-collection programs, digital advertising, email lists, opposition research and voter registration efforts.

“The shift away from the broadcast television buys that had been the groups’ main role in past presidential campaigns is among the most significant developments in outside political spending since the Supreme Court’s 2010 Citizens United decision, which paved the way for super PACs. Originally conceived as a vehicle to raise and spend unlimited money on television, the most expensive part of a White House run, the groups now are seeking to relieve campaigns of much of the vital infrastructure that candidates would otherwise have to assemble and manage.

“The results of their efforts, which cannot be coordinated directly with the candidates, are unproven. It is not yet known whether field and data efforts spearheaded by outside groups will be as effective as they are in the hands of a candidate.
“Yet the groups’ success or failure could help decide the Republican nomination: Super PACs control the vast majority of the money being spent in the primary, leaving the contenders largely at the mercy of the groups supporting them.

“The shift away from TV commercials comes after summer advertising blitzes by groups backing Jeb Bush and Gov. John R. Kasich of Ohio failed to give them much of a lift and exposed an important weakness: While candidates are guaranteed by law access to the lowest unit advertising rates, super PACs must pay whatever the market will bear. There are also more super PACs than ever, each competing for time slots and driving prices higher.

“In some parts of Iowa and New Hampshire, super PACs are paying almost nine times what a campaign would pay — largely erasing even the advantage held by a group like Right to Rise, which is supporting Mr. Bush and has raised more than $100 million, when compared with the smaller amounts of hard money raised by individual campaigns.” New York Times, December 22, 2015. Gee, that sounds fair and healthy!

With media time so desperately expensive, are candidates finding ways to generate free publicity? Is being outrageous a financing strategy, since the media spotlight follows you wherever you are? Is Saturday Night Live a campaign must? Late night talk shows? And what does the “equal time” rule say about this trend?

V. Future Trends or Just Buying Time?

Programming that is best viewed live is one of the few elements that is keeping traditional television alive. 98% of major sports competitions are viewed live. Political debates and high-profile awards programs (e.g., the Academy Awards) draw those live audiences as well. Must-see-live-events have the most valuable ad slots in the country, where viewers are most likely to stay tuned in order not to miss the event… or because the ads themselves are the attraction.

But television is increasingly a “C-7” medium (original telecast plus all reruns in all formats within seven days), where more and more of what is watched is viewed in digital alternatives. What do you call a large screen television in a college dorm? A video game!

But for those of us in media and entertainment, the money needed to pay for new and original programming may be increasingly dependent on such ad money, regardless of the source. Television does best in event years, particularly in years of general elections and the Olympics. There are lots of questions we all will face.

Will political contributions continue to be the backbone of traditional media advertising? Will Citizens United be reversed or contained? How does the failure of huge Super PAC money to "stop Trump" or candidate Sanders' ability to generate voter support without serious Super PAC money change the landscape? What will happen in future years, as the entire television industry migrates to a streaming alternative? How does digital media take over this lucrative cash cow? How do streaming services take advantage of this revenue flow? How do politicians and those fomenting their political agendas change the way they spending their influencing dollars? And how are we, as lawyers representing the creative community, impacted in our representation? What do you think will happen? Can we keep making the deals we do, at the levels we do, without this newfound wealth?
You Earned It: Earned Media Dominates the Equal Time Rule

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March 28, 2016

“Money Money Money Money Money!” That is how Donald Trump’s “The Apprentice” show opens, to the theme song “For the Love of Money” by the Ojays. His brand is money. The Trump name mark is in Gold. However, compared to the other presidential candidates, both Democratic and Republican, he is winning more while spending a lot less.

Trump’s latest campaign finance filings state that his campaign spent $9.5 million in February. By contrast, his Republican rival Cruz spent nearly double at $17.5 million and the presupposed Democratic party nominee Clinton paid $31.6 million, more than three times Trump’s campaign price tag. The underdog Socialist come Democrat, Bernie Sanders, spent more than four times what Trump spent, at $40.9 million.

Trump and Bernie are making waves in this election season together where it is the first time there are two strong non-establishment candidates, one from each major political party. So how do they do it? What are the other candidates doing, and are they doing it wrong? What is the news media doing? How does this all effect voter interest and support for a candidate? Are the FCC regulations working? Most importantly, what does this mean for our practice of entertainment and media law?

I. Super PACs

One of the most surprising things may be that neither Trump nor Bernie are making use of Super PACs. In fact, part of the appeal and message of these candidates is that they are not using Super PACs, with protections for secretive donors and straw man organizations, to raise funds. In January, Bernie raised a whopping $96.3 million and only 0.03 percent was from Super PACs and other organizations. Similarly, of the $27.4 million Trump raised in January, only 7 percent was from Super PACs and other organizations.

The impact of Super PACs is questionable. Hillary Clinton is in fact the strong frontrunner in the Democratic primary and she raised 27 percent of her January funds from Super PACs in January. However, her frontrunner status may also be due less to Super PACs than more to the fact that she is more of an established Democrat than Bernie, thus having a clear advantage in super delegates and an ally in Democratic Chairwoman Debbie Wasserman Schultz. Ted Cruz, despite having raised the most funds in January from Super PACs, 39 percent, is trailing Trump in delegates and does not appear to be a strong favorite among establishment Republican voters either.
This election is a reflection of the new normal in media and society. What’s more, FCC equal time election laws are intended to help level the playing field.

II. Equal Time

The Equal Time Rule is found in 47 U.S.C. Section 315(a), as part of the Communications Act of 1934, and enforced by the Federal Communications Commission (the “FCC”). The Equal Time Rule was intended to provide fairness to legally qualified candidates over the limited amount of broadcast time.

The Equal Time Rule is to be distinguished from the “Fairness Doctrine”, which required broadcasters to air opposing viewpoints on controversial political issues, and was repealed in 2011.

The Equal Time Rule provides:

(a) If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station: Provided, That such licensee shall have no power of censorship over the material broadcast under the provision of this section. No obligation is hereby imposed under this subsection upon any licensee to allow the use of its station by any such candidate. Appearance by a legally qualified candidate on any –

(1) bona fide newscast,
(2) bona fide news interview,
(3) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary), or
(4) on-the-spot coverage of bona fide news events (including but not limited to political conventions and activities incidental thereto),

shall not be deemed to be use of a broadcasting station within the meaning of this subsection. Nothing in the foregoing sentence shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from the obligation imposed upon them under this Act to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views of issues of public importance.

Although some people have proclaimed the demise of the Equal Time Rule, it is alive and well in the current presidential election. On November 7, 2015, Donald Trump appeared on Saturday Night Live. In fact, he not only appeared on Saturday Night Live, he hosted it. This gave him twelve minutes and five seconds of prime time broadcast time. This was not an exempt appearance because it was not news. Rather, it was for pure entertainment value. According to Nielsen figures, he reached 9.3 million viewers.

Five Republican candidates made a request for equal time under the Equal Time Rule. The Equal Time Rule does not guarantee the same platform. The Kasich and Huckabee campaigns made a request for equal time on the national broadcast. Pataki and Graham’s campaigns requested time on local broadcasts in
NBC reached an agreement with Huckabee, Gilmore, Kasich, and Graham to give them each twelve minutes of free advertising time on 18 local affiliate stations in Iowa, New Hampshire, and South Carolina. Pataki’s campaign turned down the offer.

On the Democratic side of the primary, Hillary Clinton appeared on Saturday Night Live in October 2015. Bernie Sanders didn’t make an equal time request. Instead, he appeared throughout a Saturday Night Live show in February 2016 in comedic sketches with Larry David. Whether or not this helped Bernie’s campaign, Hillary Clinton did not make an equal time request as a result.

During the multitude of debates on each side, many candidates have complained that they didn’t receive enough time to speak. Pataki complained about this problem in October and Carson complained about this in December. However, since debates are bona fide newscasts, debates are excepted from the Equal Time Rule. Equal time in debates is more of a rule of that particular debate.

The Equal Time Rule has been expanded in the Code of Federal Regulations to apply to cable television systems. The CFR provides:

Section 76.5(p) [47 CFR §76.5(p)] Definition of origination cablecasting.

Programming (exclusive of broadcast signals) carried on a cable television system over one or more channels and subject to the exclusive control of the cable operator.

Section 76.205 [47 CFR §76.205] Origination cablecasts by legally qualified candidates for public office; equal opportunities.

(a) General requirements. No cable television system is required to permit the use of its facilities by any legally qualified candidate for public office, but if any system shall permit any such candidate to use its facilities, it shall afford equal opportunities to all other candidates for that office to use such facilities. Such system shall have no power of censorship over the material broadcast by any such candidate. Appearance by a legally qualified candidate on any:

(1) Bona fide newscast;

(2) Bona fide news interview;

(3) Bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary); or

(4) On-the-spot coverage of bona fide news events (including, but not limited to political conventions and activities incidental thereto) shall not be deemed to be use of a system. (section 315(a) of the Communications Act.)

(b) Uses. As used in this section and § 76.206, the term "use" means a candidate appearance (including by voice or picture) that is not exempt under paragraphs 76.205 (a)(1) through (a)(4) of this section.

The Code of Federal Regulations also has a similar provision for Direct
Satellite Broadcasters.\textsuperscript{24}

Cable television networks must be distinguished from cable company operators. The Reporters Committee for Freedom of the Press clarifies:

Cable company operators are only responsible for their own original programming, not rebroadcast programming. FCC rules define "original" cablecast material as aired material under the "exclusive editorial control of the cable operator." And while cable operators are clearly defined within FCC regulations, cable networks do not fall under the same distinction.\textsuperscript{25}

Cable networks are clearly exempt. However, some cable operators believe they are also exempt from the Equal Time Rule. A Cox Cable spokesman said, “Cable and broadcast are not under the same rules. We are not required to block out any signals if it is coming from one of our programming partners.”\textsuperscript{26}

Even though cable networks are exempt, they sometimes voluntarily follow what they determine to be the spirit of the Equal Time Rule. For example, during the California gubernatorial elections, the Sci-Fi Channel and FX cancelled scheduled airings of gubernatorial candidate Arnold Schwarzenegger’s films.\textsuperscript{27}

Also, even if the Equal Time Rule did apply, to cable news networks, since their purpose is to report the news, they can claim the newsworthy exception. For example, cable news networks have wide discretion on how to air press conferences by candidates. After Trump’s March 8, 2016 victories in the Mississippi and Michigan primaries, he took to the television from his Mar a Lago Resort in Palm Beach, Florida.\textsuperscript{28}

At the same time, Hillary Clinton gave a victory speech that was also intended for prime time. However, her speech was passed over for Trump’s speech. None of the broadcast or cable networks interrupted Trump’s speech to show Hillary for a second.\textsuperscript{29} However her speech was broadcast on a taped delay by MSNBC later.\textsuperscript{30} It appears the broadcast stations and the cable network news stations, which are exempt anyway, all made the decision that Trump’s press conference was so newsworthy it could not even be interrupted by the simultaneous press conference of the other party’s leading candidate.

Online media is exempt as well.\textsuperscript{31} Ann Kramer Ricchiuto explains:

Online media is another news source on which equal time has no effect, despite the fact that it is increasingly supplementing and, in some instances, replacing broadcast. Even if the rule were generally extended to apply to online media, the definition of what is considered a “use” for the purposes of the requirement may have to be reevaluated, since a candidate could utilize the internet without ever displaying his likeness or making a formal “appearance.” One article noted that because of the exemptions “[m]any electronic journalists assume that the equal time-and other political broadcasting rule never apply to their work.”\textsuperscript{32}

Ben Carson suggested back in October that future debates should be
broadcast on the internet, in order to balance the power that stations have on debate format and also save candidates money from travelling to debates. However, an internet debate may be more problematic since it may be more difficult for some people to watch debates on the internet. As noted above, the Equal Time Rule doesn’t apply to the internet. So it may be even more difficult for candidates when they are not frontrunners to garner attention.

There are other exempt mediums, in addition to cable networks and online media. Public access television is exempt because, “the open nature of access automatically makes time available to all who request it.” Candidates whose opponents appear on PBS shows may request to appear on the channel as well, since they are public access. Of course, the FCC does not regulate print publications, so there is no Equal Time Rule for printed media.

One candidate that is benefitting from use of even newer forms of exempt media, is Bernie Sanders. The Facebook page “Bernie Sanders Dank Meme Stash” has 421,364 followers. The page includes posted pictures of Bernie with funny sayings. There are also more GIF images, short moving images which may include sayings, available for Bernie than there are for other candidates. More of GIFs for Bernie are positive than for other candidates, as well. He even stole the show from Trump in one of the latest viral GIFs, which satirizes Trump’s unsupported claim that Bernie Sanders incited riots at Trump rallies.

III. Earned Media

Who is winning in media mentions overall? This includes not paid advertisements or airtime subject to Equal Time Rules, but “Earned Media”. What “Earned Media” does include are news and commentary about a campaign in all media, including broadcast and cable television, newspapers, magazines, and social media. To the average observer, it appears Trump is winning that by a long shot. John Kasich claimed on NBC’s Meet the Press:

"Guess what? In the grassroots, people are getting it," Kasich said in a pre-taped interview for the March 20, 2016, show. "Now, they didn't get it because, frankly you put me on the tube a lot, but Trump got, you know, $1.8 billion worth of free media. I got, like, none. Okay?"

What do the quant experts say? One professional firm that tracks media of each candidate and figures out the monetary value in terms of advertising rates is mediaQuant. The New York Times explains:

The mentions are weighted by the reach of the media source, meaning how many people were likely to see it. The calculation also includes traditional media of all types, print, broadcast or otherwise, as well as online-only sources like Facebook, Twitter or Reddit.

Its numbers are not quite an apples-to-apples comparison to paid advertising. But they do make one thing clear: Mr. Trump is not just a little better at earning media. He is
Mr. Trump earned $400 million worth of free media last month, about what John McCain spent on his entire 2008 presidential campaign. Paul Senatori, mediaQuant’s chief analytics officer, says that Mr. Trump “has no weakness in any of the media segments” — in other words, he is strong in every type of Earned Media, from television to Twitter.

Over the course of the campaign, he has earned close to $2 billion worth of media attention, about twice the all-in price of the most expensive presidential campaigns in history. It is also twice the estimated $746 million that Hillary Clinton, the next best at earning media, took in. Senator Bernie Sanders has earned more media than any of the Republicans except Mr. Trump.

IV. Who’s Winning?

What does this all mean, especially when so much of the coverage is negative? One may expect Trump’s numbers to fall. However, Larry Sabato, director of the University of Virginia Center for Politics said, “Negative coverage can keep a candidate from expanding his or her coalition, but it rarely affects the core backers -- especially when the support is intense, as it is for Trump.”
In fact, some say that research suggests that there is a positive correlation between media coverage of Trump and internet searches of Trump, but a negative correlation between media coverage and Trump’s poll numbers.47 However, upon review of charts quantifying that data, the relationship is not so clear. The support for Trump seems overall to be plateauing, despite jagged rises and drops.

A quantitative analysis of other candidates suggests that more media attention may or may not lead to more support for these other candidates.49 For example, after a spike in media attention to Ben Carson, and internet searches, all his numbers fell dramatically.50
On the other hand, what if there is a clear frontrunner bias? Some say that there was a frontrunner bias in favor of Hillary Clinton against Bernie Sanders from the start.\textsuperscript{52} This fear was especially acute before most of the major primaries:

That “frontrunner” status prejudices both viewer and pundit alike when news media presents delegate totals, often including the unearned “super delegates,” despite the fact that their declared preferences are not binding, and could only reverse the will of the voters at the risk of throwing the election. This makes it appear as if Clinton’s lead is more insuperable than it actually is — a vestige of the invisible primary that occurred months before anyone voted.\textsuperscript{53}

Now that Hillary is leading Bernie in both pledged delegates and super delegates\textsuperscript{54}, the question is still out there, though an answer could go either way depending on the pundit.\textsuperscript{55}

However, there are other factors: other candidates and overall election coverage.

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Trump’s media saturation does appear to prevent other candidates from gaining media attention.\textsuperscript{57} For those interested in how much candidates are covered by each news station, the 2016 Campaign Television tracker has a movable chart online.\textsuperscript{58}

Is the amount of mainstream media coverage correlating in proportion with interest from the public? Apparently not. Whether this indicates bias is open to interpretation. However, the data is a persuasive tool. As illustrated above by “Media Coverage, Polling Support, and Interest” graphs for Donald Trump and Ben Carson, there is a correlation between those three variables. The causal relationship is unclear. However, once media mentions are separated into purely mainstream media mentions and the data is put together as media mentions per Google search, a more clear picture emerges. Candidates don’t get coverage in proportion to interest from the public.\textsuperscript{59}

Ryan Whittaker, from DecisionData, explains, based on data through early January:
What we found is strong evidence of media bias.

- Our analysis shows Bernie Sanders is being ignored by the mainstream media to a shocking degree. If covered at the average rate we’d have seen about 61,500 more stories including Sanders in the last 6 months: 91,094 mentions instead of 29,525.

- Clinton receives a high amount of coverage, despite no dramatic changes in polls and lower search interest.

- Candidates like Rand Paul also appear to be locked out of the mainstream press. Paul isn’t the most popular candidate, but if the average held he’d have been in twice as many stories. Rubio, despite being 36% more popular than Paul was 403% more likely to be covered by the news.

Again, the poll numbers don’t explain the difference in coverage: Clinton’s poll-to-media-mention correlation, for example, is actually negative 48%. That means that news coverage goes up a little when her poll numbers drop. Sanders, on the other hand, sees no large benefit when his poll numbers rise (correlation = 11%).

For both Clinton and Sanders there’s a strong correlation between online search interest and news coverage: 90% and 77% respectively. All that means is that the lines in the graphs above follow the same trend. Search interest goes up, and so do the number of TV mentions. If Sanders received the same volume of mainstream press coverage that Clinton did based on search popularity the correlation could remain unchanged. The line for “national news mentions” would have the same ups and downs, but it would be 10 times higher across the board.60

The chart demonstrates that, back in January, Hillary Clinton received over three times as much mainstream media coverage per Google search than Donald Trump, and ten times more than Bernie Sanders. Interestingly, Marco Rubio passed Trump in the proportion of media coverage he received to Google searches. Also, Carson passed Cruz.
Notwithstanding a disproportionate amount of media coverage to Rubio and Carson, Trump and Cruz became the frontrunners once people started voting. Rubio and Carson subsequently dropped out of the race. If the proportions are still relatively the same, it would appear that Trump has an advantage over Cruz currently in amount of mainstream media coverage per Google searches. On the Democratic side, it would be interesting to see how the chart has shifted now that voting has begun and the two candidates are so close in pledged delegates.

It still stands that Trump has a near virtual monopoly on media attention, no matter what the outlet. This may indeed serve to block other candidates from advancing in the race.\textsuperscript{62}

V. Conclusion

Some say this is an atypical elections season. However, every election is different. While the current frontrunners from each party aren’t as heavily dependent on Super PACs as some have predicted, Super PACs will likely increase their involvement in the main presidential election for one or both candidates. The paid political advertisements from Super PACs are already stepping up influence. For example, a racy picture of Trump’s wife Melania in a Super PAC advertisement caused a chain reaction between Trump and Cruz.\textsuperscript{63} How the influence and use of paid advertisements will develop during the main election, with Equal Time Rule enforcement, is yet to be seen.

Are the FCC regulations having their intended effect of allowing equal time for candidates? The Equal Time Rule is working in a way, but the power and quantity of media subject to the Equal Time Rule is outweighed by the power and quantity of media from unregulated Earned Media. Furthermore, new media has accelerated the voting public’s ability to find and relay information at a rapid pace, outside media regulated by the Equal Time Rule.

Mainstream television, chasing money from advertising dollars and poll numbers from Nielsen ratings, has a fresh interest in covering the most moving news events. Mainstream media must now also compete with online media and blogs to remain a trusted and respected news source. Yet, many count the news as a relaxing form of entertainment as well, and the mainstream news media is well aware of this.

Entertainment and media attorneys, should remain mindful of the Equal Time Rule, because the Fairness Rule has been repealed, and Earned Media is a free for all. Also, the broadcast networks are willing to negotiate settlement of Equal Time issues. When representing clients who benefit from Earned Media, an attorney must remain vigilant in counseling the client on and policing the character of that Earned Media. After all, there’s no business like show business, and a presidential campaign most definitely is show business.
1 http://www.politico.com/story/2016/03/donald-trump-fundraising-221030
2 http://www.usatoday.com/story/news/politics/onpolitics/2016/03/21/bernie-sanders-wins-come-high-price/82089816/
3 The author is utilizing the most commonly mentioned names for these candidates, even though one is a last name and the other is a first name.
4 Open Secrets
5 Open Secrets
6 Open Secrets
7 Open Secrets
14 Id.
15 Id.
16 Id.
17 Id.
18 Id.
19 “Larry David 'Berns' it up as candidate Sanders on Saturday Night Live" http://www.foxsports.com/other/story/larry-david-bernie-sanders-saturday-night-live-020716
20 “Who got the most airtime at the GOP debate?”. http://www.washingtonexaminer.com/who-got-the-most-airtime-at-the-gop-debate/article/2575198
22 “Who got the most airtime at the GOP debate?”. http://www.washingtonexaminer.com/who-got-the-most-airtime-at-the-gop-debate/article/2575198
23 https://transition.fcc.gov/mb/policy/political/candrule.htm


(a) DBS providers are subject to the public interest obligations set forth in paragraphs (b), (c), (d), (e) and (f) of this section.

(b) Political broadcasting requirements—

(1) Legally qualified candidates for public office for purposes of this section are as defined in 47 CFR §73.1940.

(2) DBS origination programming is defined as programming (exclusive of broadcast signals) carried on a DBS facility over one or more channels and subject to the exclusive control of the DBS provider.

(3) Reasonable access.
(i) DBS providers must comply with Section 312(a)(7) of the Communications Act of 1934, as amended, by allowing reasonable access to, or permitting purchase of reasonable amounts of time for, the use of their facilities by a legally qualified candidate for federal elective office on behalf of his or her candidacy.
(ii) Weekend access. For purposes of providing reasonable access, DBS providers shall make facilities available for use by federal candidates on the weekend before the election if the DBS provider has provided similar access to commercial advertisers during the year preceding the relevant election period. DBS providers shall not discriminate between candidates with regard to weekend access.

(4) Use of facilities; equal opportunities. DBS providers must comply with Section 315 of the Communications Act of 1934, as amended, by providing equal opportunities to legally qualified candidates for DBS origination programming.

(i) General requirements. Except as otherwise indicated in section 25.701(b)(3), no DBS provider is required to permit the use of its facilities by any legally qualified candidate for public office, but if a DBS provider shall permit any such candidate to use its facilities, it shall afford equal opportunities to all other candidates for that office to use such facilities. Such DBS provider shall have no power of censorship over the material broadcast by any such candidate. Appearance by a legally qualified candidate on any:

(A) Bona fide newscast;
(B) Bona fide news interview;
(C) Bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary); or
(D) On the spot coverage of bona fide news events (including, but not limited to political conventions and activities incidental thereto)
shall not be deemed to be use of a DBS provider’s facility (section 315(a) of the Communications Act.)

(ii) Uses. As used in this section and §25.701©, the term “use” means a candidate appearance (including by voice or picture) that is not exempt under paragraphs 25.701(b)(3)(i)(A) through (i)(D) of this section.24

28 “With news conferences, Trump seeks presidential optics”.
29 “Networks refuse to dump Trump for Hilary”.
30 “Id.
Teletext created a similar inquiry in the 1980s. A combination of print and electronic media which used electronics to transmit text, teletext was excepted from the equal time requirement because it was “not a medium by which a candidate can make a personal appearance.” Teletext Rules, 48 Fed. Reg. 27054, 27061 (June 13, 1983) (to be codified at 47 C.F.R. pts. 2, 73, 74); see Jeffrey S. Hurwitz, Note, Teletext and the FCC: Turning the Content Regulatory Clock Backwards, 64 B.U. L. Rev. 1057 (1984). Although teletext is no longer common, the FCC’s determination that it was not subject to equal time could be an indicator of the outcome of online media should the FCC ever
take a position.


34 Daniel L. Brenner et al., Cable Television and Other Nonbroadcast Video § 6:82 (2004).

35 See Bill McAuliffe, Candidates and Incumbents Are Using Cable TV to Get the Word Out, Minneapolis-St. Paul Star-Trib., Sept. 22, 2003, at 1B.

36 “While Trump’s duck-and-cover remains a mystery, we at least know why Sanders was acting scary. The original Spooky Bernie comes from an interview with Bloomberg, where Sanders appears to cure this reporter’s hicups during an interview “Bernie might just have spooked Trump off his podium. http://mashable.com/2016/03/14/bernie-scared-trump-rally/#VOwKbtbkTgqI

37 “Trump ends wild day on campaign trail by calling for protestors’ arrests”. http://www.cnn.com/2016/03/12/politics/donald-trump-protests/


39 Id.


42 Id.

43 Id.

44 Id.

45 Id.


47 “Donald Trump has nothing left to gain from media coverage”. https://www.washingtonpost.com/news/monkey-cage/wp/2016/01/15/donald-trump-has-nothing-left-to-gain-from-media-coverage/

48 Id.

49 Id.

50 Id.

51 Id.

52 “Bernie Sanders Had to Overcome Media Consensus Around Hillary Clinton”. http://www.nytimes.com/roomfordebate/2016/03/14/has-bernie-sanders-been-underestimated/bernie-sanders-had-to-overcome-media-consensus-around-hillary-clinton

53 Id.

54 AP


57 Id.

58 http://television.gdeltproject.org/cgi-bin/iatv_campaign2016/iatv_campaign2016


60 Id.

61 Id.

Chapter Seven

YOU AND THE WORLD OF ENTERTAINMENT: ARTISTIC LEADERSHIP, THE POWER OF CELEBRITY, EDUCATION AND MENTORING AND CHARITABLE AND CIVIC INVOLVEMENT

This city’s filled with the shadows of people who’ve lost their dreams
And only time will tell us if we’re everything we seem
And I will love and care for you, for as long as you want me to
And New York City smiles on you
My Ballerina.

Ballerina, from the Motion Picture Soundtrack of Concert,

The Basics

This chapter is about your direction as a successful artist while you receive critical, artistic and commercial acclaim within the entertainment industry. Your leadership within the industry is also discussed and the new responsibilities that await you as a result of that leadership. The power of your celebrity is analyzed as well as the merger of leadership and celebrity and the obligations this may bring.
The importance of maintaining proper social and professional industry contacts is reviewed, including a discussion on celebrity etiquette and its relevance to the world of entertainment.

Lastly, the significance of education, mentoring and charitable and civic involvement in your community is analyzed as your fans, the industry and perhaps the world look to you to demonstrate true leadership to others who are just beginning their careers. In this regard, how you may exercise your power of celebrity will demonstrate your commitment to the arts and to those around the globe who idolize and respect you.

**Why this Chapter is Important to You**

The world of entertainment shares the stage with, and shines the spotlight on those who are involved in artistic leadership, including civic and charitable causes. Many in the industry consider it to be an obligation to help others.

**Film**

- Practically every successful individual within the motion picture industry is involved in leadership, education and mentoring and charitable and civic involvement. It is considered part of “giving back” to your community and industry.
- Your colleagues will respect the assistance you give. And it is the right thing to do.

**Television**

- As in film, professionals who work within the television industry are also heavily involved in roles of leadership, education, mentoring and charitable and civic affairs.
- As in film, you are entering an area where involvement in such causes has become the norm and part of the professional landscape of the television industry.

**Music**

- Music, civic affairs and charitable causes go together. All of the national professional academies, including The Recording Academy™, are supportive of these causes. Your support is welcome and expected. And it is the right thing to do.
- And as in film and television, artists and other professionals in the music industry feel they have an obligation to help others. Simply put, it is what people in this industry accept as part of their professional and personal commitment.

**The Literary Arts**

- Many authors and publishers are supportive of causes in the literary arts.
- Their involvement in outreach programs and projects helps to strengthen the industry and provides a literary forum. As an author, your words may change the world in the support of causes you espouse.

**Fashion and Modeling**

- The fashion and modeling industries have always been supportive of civic and charitable endeavors and have made their mark in doing so.
• These industries have become synonymous with such causes, and that is good since it reflects a commitment to help others. Your commitment can make the difference for those in need.

In the Visual Arts and the Fine Arts

• Visual artists and gallerists have supported causes and have become an integral part of the community, helping others through their art.
• It is this support which brings attention to worthy causes and charities. Visual art represents the artist’s window to the world. You are sharing your artistic vision with others, and you can also show your appreciation by helping others less fortunate.

- The Court of Artistic Opinion -
“Counselors, Approach the Bench”

This is the final session of the Court of Artistic Opinion for today. And again, your entertainment attorney is by your side.

Your attorney will tell you that to be involved in civic affairs and charitable causes and mentor others is important because it gives you the opportunity to give back to others less fortunate. And both opposing counsel and the court will unanimously agree.

That is artistic leadership. You have an obligation to demonstrate that type of leadership when you are heading toward the top.

And it is the proper and courageous thing to do.

You are a leader in your art, in your field and in your heart. That is what makes you a true artist who has found artistic and commercial success in the new entertainment industry.

Artistic Leadership

Leadership as an artist is often coupled with success. And it is imperative that you understand how to deal with success and use it to your greatest advantage.

Ingrid Hoffman was asked how she remains open to the feelings and beliefs of others as a successful television personality. “I believe in humbleness and kindness and we are so in need of more of this.” Speaking about ego in the industry, Ingrid states, “Check it at the door. After all, we’re just only cooks. Look, none of the super chefs I know has invented the cure for cancer, so in my eyes we are not above the rest.”

Ken Atchity feels that, while it is important to advise his clients who are writers on how to handle success when they find it, he also knows that sometimes it can be dizzying for those who are new to the field. In other words, it is personal to the individual.

We must all remember that great stories and great art belong to the world. Such creative ideas should be shared with others so that they may appreciate it, enjoy it, and learn from it. Thus, it
should be your goal to create art that challenges and inspires. And like all good things, that requires time and thought.

The Power of Celebrity

To walk the streets of Los Angeles is to be in a town that is one of the crown jewels in the world of motion pictures, television, music and the arts.

Of course, it is true that great talent exists around the globe and is found in practically every country. However, only certain cities may stake a claim to be true centers of entertainment and the arts, and Los Angeles is the city that sits at the top of that list, exuding a sense of power and style that defines it as the heart of the industry. You are now a working talent within the industry and are just beginning to receive critical acclaim, recognition and wealth. All of this reflects a growing awareness of your presence as an accomplished artist within your industry.

And how should you handle your new found fame? Will you become overconfident and expect special treatment? Will you feel that you are entitled? In other words, will you begin to believe your own hype? Understanding your role as an artist and reminding yourself of your career path is critically important at this time.

René Katz believes that individuals in this industry should always remain grounded and focused on their work. “You should continue to hone your craft, whatever it may be. The competition is fierce on not just on a weekly basis, but on a daily basis.” Rene’ feels that by maintaining your focus and continuing to take on projects that are challenging and inspiring, you remain artistically, intellectually and emotionally strong.

And why does your celebrity exist? Rene’ states, “Your celebrity exists solely because of your talent, drive, hard work, dedication, commitment and perseverance, not in spite of it. People will admire you for those qualities. And don’t be surprised if they expect you to continue to be successful.”

You are beginning to see the results of very hard work and commitment to your art. Now you can begin to understand and experience the incredible power of celebrity.

The Critical Acclaim of Your Work

George Rios comments on the power of celebrity by simply stating, “In my world of writing, if you feel that your message will carry further if you become famous, then the answer is, ‘absolutely it will.’ But, one is always in the hands of fate and your focus should lie with the quality of what you write.”

Will your rise to stardom be fleeting, and will people then forget you? Is the axiom true that you are only as good as your last project in Hollywood? René Katz remarks, “As an artist, you should always look for new frontiers in your work and be prepared to expand upon your craft and the venues that you can present it. Again, remember that the projects upon which you are working are always in flux and that is expected. What is important is that you are striving, and that is timeless.”

And how should your clients harness the power of celebrity once they begin to have it? Emily Graham states, “Celebrity is a fleeting Zeitgeist that should be roped and wrestled like a bull. If
not, it will get away as quickly as it roared into the stadium. Make sure you have and trust your publicist, manager and agent to capitalize on the moment. For that, you must look within yourself and return to your core values; the values that you began to develop when you were younger, before the fame and fortune became a reality and brought you to New York City or Los Angeles and the industry.”

You must understand those values for which you should stand. You should look to your belief system and remember why you wanted to be in the industry in the first place. You came to live your dream. The corollary to this belief is that, as an artist, you exist as a creative force, regardless of the genre in which you work. The opportunity to become recognized within your field is simply the start of your career, not the middle or end of it.

In order to continue your climb to success, you should always think of your core beliefs that brought you here and internalize them. They will carry you through the exciting and productive periods as well as the periods during which you may be in transition with regard to your art and work.

**Success and Celebrity**

Are success and celebrity two distinct concepts?

Robin Abramovitz Goldberg feels that being successful and being a celebrity are obviously very different. “As a writer, I want to find success based upon my hard work, dedication and determination to create a story that incorporates many valuable qualities of life.” And Robin wants others to enjoy her story. To her, that defines success, in seeing that her work is appreciated. Yet she feels that celebrity is a by-product of success, in that it represents the accolades one receives within the industry based upon such success.

Dr. James Huysman speaks about the challenges faced by the artist who becomes a celebrity and the pressures in adjusting to it, speaking of avoiding the “crash and burn” scenario which occurs so frequently in Hollywood and the industry. “The artist as a celebrity must have a method, procedure or process by which to deal with success.”

Dr. Huysman feels that the incredible power of the camera provides an external reinforcement for the artist’s own self-esteem, and can create an artificial and inflated view one may have. In essence, the fame becomes a drug. “We can push away from our real selves and replace it with the ‘persona’ of a celebrity. Of course, the worst that you can do is to embrace your own hype and become a celebrity in your own mind. Just as young people can feel they are immortal, celebrities can believe they are eternal. What is important is that the artist as a celebrity remains ‘grounded’ in family, true relationships, friends and therapy if necessary.”

We must believe in the artistry of life and the creativity inherent in one’s art. It is the art that speaks within us that must be nurtured. And true artistic success lies with the artist’s ability to have a clear vision of his or her role in art for the entire world to enjoy as well as being a role model for others to follow.

**Instant Replay**
Artistic leadership is essential to maintaining one’s reputation within the entertainment industry. The power of celebrity, when coupled with leadership, may give you the ability to achieve greater success and continue to create your art while receiving critical acclaim for your work and establishing new artistic frontiers.

When Leadership and Celebrity Merge

There is a point and time in your career when leadership and celebrity merge. The result of that can be incredibly powerful, depending on how you utilize them. When leadership is combined with celebrity status, one individual can reach great numbers of people and accomplish great things, whether it is for education and mentoring, charity, civic affairs or any matter.

Celebrity and Responsibility

Steve Alten states that celebrity brings a great deal of responsibility with it. "The laws of nature tell us that if you've got it and you flaunt it, you'll lose it. But if you've been given a gift and you share it with those in need, it will multiply."

Dr. Andrea Corn addresses the issue of celebrity and leadership from a different vantage. “Perhaps this question could be slightly changed. What comes to mind are particular artists who were controversial, such as folk singer Bob Dylan or comedian Lenny Bruce. They were regarded as leaders in pop culture, but in fact, they represented the counterculture, or anti-establishment. I also think about the Beatles and how they revolutionized music. They were inspired and influenced by the times in which they lived, transforming an entire generation.”

Dr. Corn wonders whether performing artists are interested in even being seen as leaders, thinking of such unique and talented individuals as Madonna, Britney Spears, Taylor Swift, Beyoncé and others. “Yet when you see a celebrity such as Brad Pitt go to New Orleans to help rebuild the city following Hurricane Katrina, it can be very touching to see artists give back, helping to improve the infrastructure of the area or making a difference in the lives of those with far less.”

Helping Others

Ingrid Hoffman believes in the power of celebrity in accomplishing goals to help others. “I don't like the word celebrity, but I am someone who works in media and am a public person. Therefore, I've been able to bring attention to several causes in ways that someone that is not in the media may have difficulty in doing.” In Ingrid’s case, she engaged her sponsors and endorsers to help her create and sponsor public service announcements (PSAs) that have aired on national television to drive awareness to her various charitable endeavors and foundations of which she is a board member, such as the New York City Food & Finance High School and Amigos for Kids. “We have successfully not just created awareness, but have raised funds through our national campaign. Working on this level always helps attract more money and volunteers.”

And Sommore is particularly interested in celebrity and leadership. “As the question pertains to me as a stand-up comedian, I notice that in America we glamorize the lifestyle and status of the celebrity and therefore have given them privileges that are not afforded others. Therefore, I feel that celebrities have an obligation to use their celebrity for the betterment of worthy causes.”
Instant Replay

Artistic leadership and celebrity are powerful partners, finding audiences everywhere. Your celebrity as an artist can permit you to lend great weight to issues and causes in which you believe.

The Politics of Your Art and the Art of Your Politics

Your art makes a statement to the world and defines you as an artist and talent. But while understanding your art is one thing, understanding the nuances of politics is another.

Politics can define you as an individual and artist and may even define your work. And in the entertainment industry, one's politics can be expressed in a very potent and far-reaching fashion. If you are emerging within your field and are beginning to establish yourself as someone of prominence, you will invariably be caught up on a discussion of politics. That is expected and is very much part of our national consciousness.

People within the industry take their politics very seriously. Many individuals in front of, or behind the camera have their charitable and educational causes, but also have causes inextricably tied to politics.

So what of the artist’s role as a celebrity engaged in politics in the entertainment industry? Emily Graham suggests, “That begs the larger question. Is there an art to politics in the industry and what is it? This is a personal issue for each celebrity. Some don't care about politics within the industry and don't have to worry about it too much because of their celebrity status. However, the industry is based on personal relationships and reputation, and to many people, political affiliations are as important as personal ones.”

Politics in the Industry

Kim Kolback addresses the issue of politics in the entertainment industry and the position one takes. “It depends whether the artist wants to be famous or infamous. Many comedians and urban artists have thrived on being 'politically incorrect,' such as Dane Cook or Bill Maher. Interestingly, a ‘politically correct’ artist can inadvertently boost a lagging career by an inappropriate or unpopular statement, followed by an appropriate retraction or apology, of course.”

Our belief in freedom of speech and other rights that we uphold as citizens permit us to speak freely about ourselves, our lives, our society and our elected and appointed leaders. However, as a successful artist, you are no longer just a person expressing an opinion. You are now a celebrity. Your words carry great weight, are very significant and will be heard by many people around the world.

Remember, you will be judged not only by your political knowledge and savvy, but by your ability to articulate your position. In other words, you must be intellectually prepared to defend your position on any given topic at hand, crystallizing the issues that are the subject of discussion and speaking in a logical and cogent manner.
Dixon Dern talks of politics and political correctness in the industry. “I think that artists, like everyone else, should be politically active, at least to the extent of caring about issues and expressing views when appropriate.” Dixon also speaks about endorsements for candidates and issues. “Should well-known actors endorse candidates or issues? My personal belief is that they have as much right to do so as anyone else. The true import of this question is to ask whether they will be punished if active in politics. That is, will a Republican boss punish a Democrat employee, or the reverse? Certainly, in the old studio boss days, this was undoubtedly true, but today I don’t think it is.”

Compromising Your Beliefs

Should you compromise your political beliefs as a celebrity within the industry?

You should stand behind your beliefs rather than adopt a political position different than the one in which you believe. Under our Constitution and democratic form of government, you have an absolute right to your position and the right to defend it, as well as the privilege of listening to others and giving them the opportunity to express themselves. The grand significance of all of this is to demonstrate to your prospective and future colleagues and business partners that you are able to articulate your position with clarity and grace and to at least agree to hear the positions of others, even if you disagree with them.

You will find that the world of successful professionals within your industry does not comprise a particularly large circle and that most of the players know each other, since they often find themselves either working together as allies or opposite of each other as respectful adversaries. If there are political differences among them, these colleagues will in all likelihood not permit such ideological differences to affect their capacity to represent their interests or clients in a professional manner. You should always do the same.

In sum, your capacity to understand all sides of a political issue will be critical to the respect that you will command among your peers, and you will be regarded as a bright and articulate individual who has the capacity to listen to the viewpoints of others within the industry.

Instant Replay

Politics within the entertainment industry is generally issue oriented. Be true to yourself and your politics, while understanding and respecting the rights of others to express different beliefs.

Your Circles within the Industry

In the industry, it is generally true that we maintain our friendships during the course of our professional careers. It will be these friendships you will cultivate that may remain with you for a lifetime. And all good friends can share contacts and other opportunities that may have a significant impact on your future.

What types of circles should you keep in the industry prior to, and after success?

Emily Graham speaks of the importance of the right circles, commenting, “This depends on the personal circle and relationships around a client and the client’s reputation. It should be noted that reputation can be a zero sum game in Hollywood. Celebrities should not forget that they
are professionals. Not only must they maintain a reputation for selling at the box office, but also for reliability and dependability."

**Keeping Doors Open**

Ingrid Hoffman feels that the personal and professional contacts and relationships within one’s field within the industry can be instrumental to success, stating, “Yes, most definitely, they are very important. And it is important to always keep doors open. Most of these people I met years before, when they were guests at my restaurant and store, were people with whom I built great relationships with them never knowing that I would work with them years later.”

Miami television producer Elizabeth Angulo believes in becoming involved in the community in which one lives. She comments, “Whether you meet writers, below the line crew, agents or anyone involved in your area of the industry, you are spending time and sharing ideas with people who want to give of their time to also meet others, to learn and to expand their horizons. True friendships are forged by common interests. This way, you will develop a circle of friends who will remain with you for years. So be truthful to yourself and seek out like-minded people.”

**Instant Replay**

*It is your interest in the arts, society and people in general that can help to drive your success as an artist. Relationships are important within the industry and can have a significant impact on your future and provide future opportunities.*

**Celebrity Etiquette**

Celebrity etiquette in the world of entertainment is also an important ingredient in success?

Earlier, Celeste Jones addressed the need for etiquette when being introduced to the industry. Now Celeste revisits that issue and the need for the artist to prepare for social graces that may be significant in the advanced development of a career. “Etiquette is often misconstrued as an antiquated aspect of business. However, etiquette today is better understood as conduct, which is of vital importance to anyone’s career. Conduct represents the way individuals handle themselves in a variety of situations with diverse people and under many circumstances.”

**People Skills**

Celeste explains that such skills, commonly known as “people skills,” can make or break a person’s professional advancement. “An artist is a public figure and has to be very careful about their image and about how they present themselves to everyone from the bellman to the housekeeper to the media, fans or potential clients. While people skills are a learned trait and some people are more adept at learning them than others, one should consider hiring a professional specializing in image and career development, such as an etiquette expert, to enhance these skills. Remember, the entertainment industry is so competitive that any edge over that competition helps.”

Your circle of friends and colleagues should continue to expand as you embark upon your career and develop your name and reputation. The more you can do that, the greater the chance that more opportunities will come your way.
**Instant Replay**

Celebrity etiquette, also thought of as “people skills,” involves your social conduct within the industry. This can also define you as a force in the world of entertainment.

**Education and Mentoring**

Within the entertainment industry, the common wisdom is that as you begin your career, you should seek out the experience and wisdom of those who are knowledgeable with the system and who can educate you so that you will have the best chance for success. Similarly, as you find success within the industry, you will in turn be expected to help others who are just starting their careers.

This is educational outreach and mentoring.

**The Responsibility of “Giving Back”**

Atlanta entertainment attorney Darryl B. Cohen has always been involved in education and mentoring through his efforts in continuing legal education. “Young artists are like clay. An emerging artist, regardless of his or her talent, starts out with no particular shape within the industry. That artist must be molded in such a way that their art is superb and has a nationally recognized market.”

Emily Graham agrees. “Education and mentoring are especially important for an artist when tied to publicity on a national or international level.” Tim Warnock states, “From a risk management perspective, education and mentoring are extremely important, particularly for the artist who has little if any legal training. Carolina Garcia Aguilera feels that most successful artists should be involved in mentoring and giving back as much as possible.

Dixon Dern believes in giving back. “Sure, it’s good to give back and I think that a lot of the established artists in the industry do give back and mentor; certainly in making films and the like. I have primarily seen this role performed by well-known artists. As to responsibility, I think the responsibility is no greater in our industry than any other. But we do need mentoring and training in order to bring on the next generation.”

Todd Brabec also comments on this. “In the best of all possible worlds, you always give back. That assumes, of course, you recognize everything that was given to you which helped you to be the success you are. The choice in most cases is whether you give back quietly or actively. There is a responsibility attached to success, and that responsibility includes giving back.”

Coach Mike Jarvis speaks of education and mentoring in the world of sports. “To me, mentoring from the standpoint of the student has to do with understanding his or her role model and copying and imitating that role model. That is, we learn most of what we know from other people and particularly from those we respect and admire. So it is particularly admirable that a successful individual in the industry provide that type of assistance.”

David Brigati provides an interesting insight when he remarks, “Remember, we are learned and accomplished artists and we are passing our knowledge on to other people.”
The mentoring process never stops. It is perennial and eternal.

**Mentoring Others**

Ingrid Hoffman discusses mentoring and its importance within the process. “I was mentored at the beginning of my career by some wonderful people, including Mr. Luis Balaguer of Latin World Entertainment, who has made many stars in the industry.” Ingrid stated that Luis showed her the ropes, believing she was a quick study. She also had a lot of advice from her sister, Johanna Hoffman, who handled public relations for Martha Stewart, as well as Nahyr Acosta, her editor at Buenhogar Magazine and her first producer, Julia Dangond.

Diana Lozano has mentored many performers who either work with her or are students of hers. “Currently, I am a teacher at the New World School of the Arts in Miami. I feel blessed to be able to teach improvisation and self-expression to teens, ages 14 through 16. Clearly, I remember being at that age, and how frustrating and isolating it was to not have the adults understand what I was going through or the kind of work I wanted to create. Now I have the chance to be an inspiration to other teens.” Diana notes that most of the children she teaches cannot wait until they graduate so that they can move into the world of creative art.

Steve Alten understands the importance of education and mentoring and has instituted a program designed for them. “Adopt-an-Author is a nationwide non-profit teen reading program I started ten years ago when I became inundated with middle and high school student’s e-mails, all telling me they hated to read, until they read my novel Meg. After Meg was named a top book for young adult readers, even though it is adult fiction, I created the program, which combines free curriculum materials, posters and other materials with direct contact with myself and other authors. We now have over 10,000 registered teachers and have been called the best secondary school reading program in existence today. And it's all free, paid by me and our sponsors.”

Your involvement in education and mentoring may be one of the most relevant things you can do as an artist. Just ask other artists who have done that and they will tell you how rewarding it truly is.

**Becoming a Role Model**

As a mentor, how important it is to become a role model?

Dr. Andrea Corn emphasizes its importance. “Perhaps mentors who are older and wiser can be supportive, empathic and serve as role models for younger artists. By teaching self-acceptance to the artist while he or she hones their craft may also be another aspect of holding on to, and not letting go of one’s vision for the future.”

Dr. Corn also explains that, depending on the artist, some may even turn to mentors in spiritual or religious teachings for inspiration to maintain a positive focus in order to avoid losing sight of the ultimate goal. “Developing willpower is also important since without it, many artists may
begin to feel defeated, not realizing that it is not the time to give up, but to persevere through difficult times."

Regardless of the direction you choose, being involved in education and mentoring is also a vital part of the social process today. From a practical standpoint, this will permit you to expand your level of contacts within the entertainment industry, bringing you full circle back into your chosen industry at relatively high levels, and perhaps inviting more business and professional opportunities in your field.

**Organizations in Support of Education and Mentoring**

Practically everyone who wishes to be successful within the industry takes part in some way in the continuing educational process once success begins to happen.

For example, in Los Angeles, programs and classes in education and mentoring are found within the university community, the professional organizations, or community and charitable entities. There are continuing educational programs at the University of California, Los Angeles (UCLA), the University of Southern California (USC) and Loyola Marymount University as well as other schools in the area.

Most state, local and voluntary bar associations in the country promote mentoring and continuing legal education for lawyers, including courses covering the world of entertainment law and intellectual property. In this manner, lawyers are able to remain knowledgeable within their respective fields of law and are thus better prepared to represent their clients effectively and professionally.

As an artist and industry professional, you are, for the most part, welcome to attend such seminars and programs for a fee that is generally less expensive than what lawyers are charged. And this is an excellent way in which to broaden your business horizons and better understand today's issues in entertainment law.

These programs or courses, most of which are conducted in the early evening to attract students who may work during the day, are taught by adjunct professors, who are also professionals giving their time to teach others the knowledge needed for success within their respective industries. In Los Angeles, there are also continuing legal educational programs at the UCLA School of Law, the USC Gould School of Law, Southwestern Law School and other area law schools.

Additionally, there are continuing educational programs and seminars offered by professional organizations such as The Recording Academy (The Academy of Recording Arts and Sciences), the Television Academy (The Academy of Television Arts and Sciences), the Motion Picture Academy (The Academy of Motion Picture Arts and Sciences) and Women in Film (WIF).

Whether you attend continuing educational courses or take part in their instruction, it will be beneficial to do so in order to maintain your presence in educational circles. This will permit you to continue to establish your reputation in the industry as one who believes in education and its ability to empower, and who wishes to help others and give back to the arts community.
Your decision to become involved in education and mentoring, as a student or lecturer, permits you to share your world with others and can be an integral part of your plan to further develop your reputation as one who graciously shares time and knowledge with others in the industry.

In fact, it is expected of you once you begin to find success.

**Instant Replay**

*Education and mentoring permits you to help others who may find your experience and expertise invaluable as they begin their careers within the industry. It also entitles you to “give back” to your community and your profession, allowing you to become a role model for your peers and those emerging artists within the industry.*

**Charitable and Civic Involvement**

It is generally recognized that anyone who has found success should be involved with, and supportive of charitable causes and civic organizations. Aside from the obvious benefit to the organization, a byproduct of such involvement is that the artist is regarded as one who gives back to the community.

In fact, within the entertainment industry, as in other industries, there are those who work tirelessly in providing assistance to a particular charity, or are involved in civic organizations. Such assistance and involvement is very personal to the individual. And to provide assistance to others is the right thing to do. One should not tie it to a professional or business goal. It is simply something that demonstrates your commitment to humanity.

**The Importance of Involvement**

How important is involvement in charitable and civic affairs? Should an artist provide charitable and other assistance to his or her community?

Darryl Cohen states, “The more the talent is involved in his or her community, both on a charitable and civic basis, the better it is. No one can underestimate the value of that type of valuable publicity. But most importantly, it’s the right thing to do.” Frannie Sheridan agrees, citing her own experiences. “My way of being philanthropic is to perform at fundraisers. In this manner, I can help. Recently, I have had the opportunity to give back by performing at fundraisers at various venues, such as for the Women’s International Zionist Organization and The Montreal Jewish General Hospital.”

Coach Mike Jarvis feels involvement in such causes is a very important. “Charitable and civic causes teach young people to be successful and do the right things, to love our neighbors as ourselves and to take our special gifts and share them with other people. To have things and not share them with others is wrong.” Emily Graham states, “Charitable and civic involvement is essential in order to elevate and maintain ‘star’ power. But basically, it is the right thing to do and puts the charitable or civic cause in the spotlight.”

And Celeste Jones feels that charitable involvement is critical to the artist. “It is very important to give back to the universe. We live in a reflection of what we put out or give to the world and it
all comes back to us. So an artist that is nice to everyone, down to earth and philanthropic will have this goodness come back to them in their own lives.”

**Volunteerism**

René Katz believes in the concept of volunteerism civic affairs in the world of entertainment and particularly for charities. “Usually, one has a connection to a particular charity, or a conviction and belief that it is appropriate to be involved in these kinds of activities. Always remember that your beliefs and convictions should be the predominant reason to be involved and to help others.” Henry Root notes, “I believe that all of us have a moral imperative to contribute to our communities, to engage in philanthropic activities, and to do so from a sense of selflessness and charity and not from a sense of, or with the goal of, personal aggrandizement or career enhancement.”

Henry cites an example in the music industry. “One way to help is by participating in live, in-concert fundraisers and awareness campaigns, such as ‘Stand Up For Cancer,’ ‘Farm Aid,’ ‘The Concert for 9-11’ and others. You might notice that typically the names of the artists who participate and the others involved in the production are not credited on screen or in the end title credit scroll. That is because participation in community activities, philanthropic endeavors and social cause awareness should be done from the goodness of the artist’s heart.”

Jenna Edwards is no stranger to charitable causes, firmly believing in the importance of giving back. Jenna made her charity, the For a Day Foundation, one of the centerpieces of her career within the industry and she always speaks about the importance of the charity and of charitable involvement within the entertainment industry. And Dr. James Huysman remarks, “The artist must understand their goal so they realize that this may not bring money or exposure. And while it may enhance their celebrity, the true reason to engage in charity is to be charitable.”

Most artists involved in charitable and civic matters find that they will establish long standing relationships with other successful artists who donate their time and money toward their particular charities. That should apply to you as well. By contributing in a selfless manner, you will be recognized by other colleagues within the industry for your charitable and civic efforts, regardless of the form that commitment may take. Most importantly, you should be charitable and help others because it is the right thing to do.

**Instant Replay**

Charitable and civic involvement constitutes another method of “giving back” to your community. This type of participation also lets you have the opportunity establish yourself and help others who wish to follow in your path.

**Defining Success**

What is it that truly defines success?

Is it simply a tag that attaches to an individual who is the subject of accolades in his or her chosen profession? Is it a title we bestow upon a person who reaches the pinnacle of success in a particular field or endeavor? Or is it more than that?
Success has a Meaning

Maryann Ridini Spencer speaks of what success means to her. “If you are passionate about the story or project and its message, you will find that there can be many people between you and completion of that story or project that can influence the outcome of what is actually seen on screen. So when you watch your work come to fruition on the screen as you hoped and envisioned, you have found success and fulfillment beyond measure.”

Adriana De Moura states, “You must be strong and sure of yourself in order to survive, since once you become a known personality, you are under a microscope. And you must be resilient and kind to yourself when it comes to criticism directed at you. Please do not take it, or yourself, too seriously.” Robin Abramovitz Goldberg comments, “If we look at the attempt to become successful and the reality of success achieved, we must be honest with ourselves. For me, the attempt itself is just as thrilling and rewarding as the success. It is a journey unto itself and constitutes its own reality.”

Darryl Cohen often advises his clients on what needs to be done in order to continue to achieve success. “Give as much as you can to your art! Give them more than anyone would expect. Then maybe, just maybe, you will have a chance to find success within the industry.” Jenna Edwards defines success as finding that project that makes it all worthwhile. “I always look for longevity in a project. At this point in my career, I want to create relationships that permit me to grow and evolve. The broader vision is to develop a brand and a following so I can promote my philanthropic pursuits on a grander scale. I believe my entertainment career is a stepping stone towards influencing community and government for worthwhile causes.”

A Strong Sense of Identity

Henry Root has this advice. “My words of wisdom are the same for all my clients, regardless of their degree of success attained; Be guided by your instincts. The most successful artists are those who have a strong sense of identity and know where they want to be as well as who they aspire to be. If the artist has a strong sense of personal identity and vision and makes decisions based on instinct, they will never second guess themselves”

And Coach Mike Jarvis states, “Success is when you can go to bed at night knowing that you used your gifts to the best of your abilities so you can become the finest that you can be. It is about the journey. And in sports, when you lose a game, it does not mean you have lost in life or were not successful. But remember that it is what you do when you lose that determines how successful you really are. I tell my players that the only time you lose in anything is when you do not learn from your experience.”

Success can be a state of mind and will vary depending on the individual. So enjoy and appreciate your art and all that you are as an artist. And continue to develop your art so all the world may enjoy it.

Instant Replay

Success within your art begins and ends with what lives inside of you and your perception of it. Success can only be defined by you. Simply follow your art and you will find success.

And It’s a Wrap
And it’s a wrap, with some thoughts for your consideration.

*Understand the importance of maintaining artistic leadership among your peers and colleagues within the entertainment industry.*

Realize the power of celebrity as well as its significance and the good will it may bring. This is especially true since once you are regarded as successful in your field, it will be necessary to exercise great care in all that you do or say. Your celebrity status is equivalent to great power and you must exercise that power with poise, care and grace, as celebrity and leadership merge.

Be cognizant of the world of politics in the entertainment industry and consider not only the politics of your artistry as a mode of expression, but the politics of your actions and the issues you wish to address as an artist and concerned citizen. Stay involved and remain a part of the process, realizing that such a responsibility is universal regardless of your profession.

*Know your circles in the new entertainment industry. Understand the vital importance of continuing education and the mentoring process for emerging artists, as well as charitable and civic involvement, which is part of your responsibility to “give back” to your community.*

**Film**

- As a rising star within the motion picture industry, you have the opportunity to demonstrate leadership and act as a role model to others while further enhancing your reputation as a gifted individual and artist.
- Your role outside of the industry is just as important with your involvement in leadership, education, mentoring and charitable and civic involvement. Within this industry, such activities will gain you a great deal of respect and the accolades of your colleagues.

**Television**

- As in film, the television industry is comprised of many people who care about others and who want to help in education, mentoring and charitable and civic affairs.
- These efforts are woven into the fabric of the industry.

**Music**

- Be involved in charity and giving. It is absolutely a part of the music industry and always has been.

**The Literary Arts**

- Make best efforts to be involved in education, mentoring and charitable and civic affairs. As a writer, you are a person of letters and a leader, and those around you will look to you for your leadership.
- Writers can be a reader’s window to the world. Share with your readers not only your writings but your belief in the goodness that can be done to help others.
Fashion and Modeling

- The fashion and modeling industries have always been supportive of causes.
- Be giving of your time and charitable to those who need it. The world will appreciate your work in the industry and will admire you not just for your talents and gifts but for your philanthropy.

The Visual Arts and the Fine Arts

- Demonstrate your commitment to the visual arts and fine arts by supporting education, mentoring and civic and charitable causes and donate your time to such worthy causes.

Team Huddle

Now that you have arrived, the real work begins as you continue to coordinate with your entire team to further develop the direction of your career and leave your artistic mark in the new entertainment industry. Leadership within the industry will define you as an individual as well as an artist.

- Your entertainment attorney may tell you that while hard work is part of the path to success, harder work will keep you there. This is especially true in the entertainment industry.
- Your talent manager will continue to look for the best artistic opportunities that may arise and bring them to your attention as your reputation grows.
- Your literary manager and writing coach will assist you in honing your skills in your craft by providing advice on the projects in which you may become involved.
- Your agent will also look for business opportunities that bring you greater exposure as an artist.
- Your editor will be available to help you from a literary standpoint, always coordinating with your literary manager.
- Your producer will continue to look for ways in which your projects will be presented in the most professional artistic manner.
- Your publicist will be there to promote you in times of your successes and work with you as your career moves to new heights.

Lights, Camera, Action!

You have the ability to leave an artistic legacy as you continue to create great art and reach higher goals, helping other artists in the process. With your team and your entertainment attorney in the lead, you should strive for all that you can achieve. The future will hold great promise for you.

A True Story about a Composer and the Perfect Performance

The tropical Miami sun had set and evening was descending on South Florida.
The composer and pianist stood on the balcony of his hotel and admired the view of Biscayne Bay and Miami Beach. He had traveled around the world, yet felt a particular sense of belonging whenever he traveled here to perform.

He had flown in from New York City the night before, having been asked to appear at a special pre-Super Bowl Concert Gala at the new Adrienne Arsht Center for the Performing Arts in downtown Miami.

A Steinway artist, he was regarded as an acclaimed composer in classical crossover music, having created and performed numerous internationally known symphonic and other pieces, including his masterpiece, *The Holocaust Symphony*, which had been performed around the world.

His works had been performed with leading symphonies in the United States, London, Moscow, St. Petersburg and Beijing.

The drive to the Arsht Center took him through the streets of Miami, lit up for Super Bowl weekend. Everywhere he looked, he saw color, texture and movement. Miami was a city of light, appearing to rise out of the ocean, gleaming with white buildings and pastel colors. It lived up to its reputation as the magic city.

He arrived at the concert hall and strolled backstage to prepare for his performance.

Inside the performing arts center was full house of several thousand people, boisterous and in holiday spirits, having arrived in Miami to attend the Super Bowl and hear some great music.

His performance time grew closer. The minutes seemed to never end as he stood at stage right, waiting to be introduced.

His mental preparations continued. While waiting, he looked at the Steinway piano at center stage and glanced at the audience. He folded his hands and appeared as if he was meditating. Those around him wished him the best of luck but he did not really seem to hear them, wanting to maintain his concentration.

He had decided some time ago that he would perform a movement from his “Adagio for Piano and Orchestra.”

He entered from stage left. When he appeared, silence filled the room and he was greeted with polite but strong applause.

He lifted his jacket and sat at the piano.

He did not need sheet music, having memorized this piece years before.

A moment passed. The cavernous auditorium was silent as the audience waited for the performance.

He began to play.
The introduction to the piece was dazzling. It was as if his fingers simply touched the keys, speaking to them as they spoke back.

The audience sat in silence and listened.

The movement reached a crescendo as the auditorium filled with music. He had been performing for eight minutes.

The adagio was beautiful. When he played the final note, the audience exploded into applause, giving him a standing ovation.

“Bravo! Bravo, Maestro,” they shouted and whistled.

He stood, smiled and bowed.

It was the perfect performance on a perfect evening in Miami.

The performer was an acclaimed international classical crossover composer.

He was the late great Richard Nanes.

And he was an artist.
Composition/Recording Copyright Clearances needed for use of Songs in Political Campaigns

**TV Commercial**
- Rights Needed
- **Publishing, Synch License from Music Publisher**
- **Recording, Master Use License from Record Label**
  - Artist Consent
    - Most “Hits” require Composer/Artist consent for TV Commercials and Political Campaigns

**Live Campaign Events**
- Rights Needed
- **Publishing, Public Performance License ASCAP/BMI/SESAC**
- **Recording, No Public Performance License Rights for Masters in the US**

**TV Event** E.g. Live Broadcast of Campaign Events
- Rights Needed
- **Publishing, Public Performance License ASCAP/BMI/SESAC – usually in place by Broadcaster**
- **Recording, Since it’s a recorded performance (as opposed to live-ephemeral use exception), Master Use License required from Master Recording owner.**

**TV Event Re-broadcast**
- Rights Needed
- **Publishing, Performance license needed by broadcaster. Synch License needed by owner of TV show (i.e., the campaign) as it’s a pre-recorded vs. live event**
- **Recording, Master use License needed.**

**Causes of Action**
- Available to Artists, even where copyright requirements are met.

**Rights of Publicity Violation**
- State claims – protection level varies state to state

**Lanham Act Violation (Federal)**
- Confusion/ilution of Artist trademark

**False Endorsement**
- State law claim – basis is fans are confused into thinking artist supports politician.