

THE PANEL

4:40 pm – 6:10 pm

Beyond the Glitter of the Red Carpet: The Big Legal Picture in Representing Your Client in Motion Picture Development, Production, Finance and Distribution Domestically and Internationally

The purpose of this panel is to provide an advanced discussion on the legal and business aspects of counsel’s advice and representation regarding the development and international distribution of a film project within the motion picture industry, to the major motion picture studios as well as the mini majors, or to the television broadcast or cable television networks.

Consideration will be given to the significant contraction occurring in the market for independent filmmakers vs. the major studios, as local distributors internationally are stepping up to exert more influence in production and financing. Our panelists will discuss the importance of adhering to current industry standards and practices as well as protocol within the entertainment industry, including issues on the following: the need for securing and protecting proprietary rights to intellectual property, the creation of proper private placement documents, the need to adhere to the appropriate Blue Sky and federal securities laws, the need to deal with disputes during this process, the choice of filming venues based upon existing film incentives, the creation of the appropriate deal memos and formal production contracts, approaches taken by large independent distributors to adjust to the market with their film releases and all other pertinent matters.

MODERATOR:

Richard Warren Rappaport, Esq., Boca Raton and Miami Beach, FL

PANELISTS:

Adrienne S. Alexander, Esq., Law Offices of Adrienne S. Alexander, Atlanta, GA

On film

Marvin Arrington, Jr., Esq., Arrington Law Firm, Atlanta, GA

Representing the distribution

Darryl Cohen, Esq., Cohen Cooper Estep & Allen, Atlanta, GA

On television

Leonard Glickman, Esq., Cassels Brock & Blackwell LLP, Toronto, Ontario

On film and television

Emily Patricia Graham, Esq., The Law Offices of Emily Patricia Graham, New Orleans and Baton Rouge, LA, and Miami, FL

On film

Joel A. Katz, Esq., Greenberg Traurig LLP, Atlanta, GA

On music in film and television

Daniel de Leige, President, Prelude Pictures, West Palm Beach, FL

On film and television

Jan Michael Morris, Esq, Kopelowitz Ostrow Ferguson, Weiselberg Kerchl, Ft. Lauderdale, FL

On film

OUR FACT PATTERN

Your client is a reputable film producer who has optioned a script from a credited screenwriter with the working title, *Lincoln Road*. The story is a period piece in the late 1950’s about two families who arrived in this country. The first family is of German-Jewish heritage and escaped from Western Europe just prior to World War II. The second family is of Cuban heritage and traveled here in 1957, before the rise of Communism there.

Both families are very affluent but do not move in the same social circles, either politically or socially. However, a handsome young son of the Cuban family has a chance meeting at a reception on a clear winter

ABA 04.28.11 Entert. Symposium “Beyond the Glitter of the Red Carpet” Panel

evening in December 1959 on Lincoln Road on Miami Beach with the beautiful young daughter of the German-Jewish family and they fall instantly in love. Although it makes both families unhappy, the couple is always together and the two spend their time walking on Lincoln Road as they plan their future.

What follows is a powerful story of the ups and downs of their relationship and the two powerful families behind them who become very much at odds with each other on cultural, political and social levels.

The back story is just as strong, as the two lovers find that they must look deep within themselves to overcome the differences between their families and keep their relationship alive.

Your client is fascinated with this project and plans to do everything he can to bring it to the big screen.

During the panel, we will discuss the numerous challenges and pitfalls that will occur during the development and production of this picture. They are listed below.

1. The screenwriter has been sued in federal District Court in the Southern District of New York by another writer residing in New York who claims the story was his and was stolen by your client's screenwriter. Your client lives in Los Angeles with a home in Miami Beach. The screenwriter lives in Los Angeles.
2. Your client's investors are now nervous about the story and its market value and are considering abandoning the project. They are demanding to know the upside of the deal, especially since the distributor may have financial problems due to the economy. You must assist your client to ensure that the investors are comfortable with the project from a financial standpoint.
3. Your client's agent is now skittish about the project and is having difficulty securing acting and directorial talent.
4. Your client's music supervisor wants to bring in period music and it is your responsibility to find someone to provide music clearances. During this time, the composer who has been hired for the original music and source music has been threatened with a lawsuit over copyright infringement by another songwriter.
5. Your client wants to film the entire movie in Miami Beach, but the city is not happy about that and the county has not issued the appropriate permits.
6. You are speaking with a major studio about the project that, after reading the script, is willing to buy the story, but this will cost your client control over the project since it will not be an independently produced film.
7. Out of nowhere, your client and the screenwriter are sued for defamation because one of the main characters in the screenplay is strikingly similar to a real-life individual in Miami who is very political and does not want the movie made.

Our goal is to discuss the business and legal aspects of the project and advise and counsel the client on making every effort to get it through production and into distribution.

Let's make this a great panel. Looking forward to seeing you on April 28th.

Best,

Richard Warren Rappaport