



The Florida Bar Entertainment, Arts and Sports Law Section  
in association with The Jacksonville Film Festival  
presents



# The Sixth Annual Independent Film and the Law

Live Presentation: Friday, October 14, 2011

The Cummer Museum of Art & Gardens • 829 Riverside Avenue  
Jacksonville, FL 32204 • (904)356-6857

Course No. 1390R

12:30 p.m. – 12:55 p.m.

### Late Registration

12:55 p.m. – 1:00 p.m.

### Welcome

*Carolyn Herman, Esq., Chair, Associate Professor of Professional Skills, Florida Coastal School of Law, Jacksonville*

1:00 p.m. – 2:15 p.m.

### Super 8: Providing Those Elusive (and Potentially Expensive) Deliverables

*Moderator: Lucille Ponte, Professor of Law, Florida Coastal School of Law, Jacksonville*

### Panelists:

*D. Porpoise Evans, Greenberg Traurig, Miami  
Cassandra Willard, Esq., Full Sail University, Winter Park*

*Melissa Ross, Independent Producer and Host/Producer, WJCT, Jacksonville*

When signing that all important distribution agreement, many filmmakers ignore Exhibit A: Deliverables – those items that must be furnished before the film will be released and often before any advances will be paid. This panel will discuss what deliverables are usually required, ranging from the technical (e.g., formatting and sound elements) to the paper documents (e.g., title and music clearances, location and materials releases, crew agreements, and E&O insurance). Also discussed will be how to keep the expense of furnishing these items to a minimum without compromising the integrity of your film or the ethical obligations to your clients in assuring that they provide accurate information.

2:15 p.m. – 2:20 p.m.

### Break

2:20 p.m. – 3:35 p.m.

### The Hangover Part II: Avoiding Talent Headaches

*Moderator/Panelist: Carolyn Herman, Esq., Jacksonville Beach*

### Additional Panelists:

*Kim Swartz, Esq., Mitchell, Silberberg & Knupp, L.L.P., Los Angeles, CA  
Darryl Cohen, Esq., Cohen, Cooper & Estep, L.L.C., Atlanta, GA  
Kent Lindsey, Producer/Actor, Lindsey Films, Inc., Jacksonville*

When securing talent for a film, filmmakers confront a variety of issues beyond simply salary demands. This panel will discuss how to deal with talent representatives such as unions, talent agents, and managers; employing minors; the key differences between the various types of talent; (e.g., actors, crew, directors, extras); and the finer points of talent contracts, e.g., residuals and reuse fees, morality clauses, and touring and promotion. Also discussed will be the ethical issues presented by the attorney-talent relationship, and, in particular, fee arrangements and conflicts of interest.

3:40 p.m. – 4:55 p.m.

### Source Code: Securing that Initial Financing and/or Distribution Agreement

*Moderator: Kim Swartz, Esq., Los Angeles, CA*

### Panelists:

*Jeffrey McFarland, Esq., Driver, McAfee, Peek & Hawthorne, Jacksonville  
William Whitacre, Esq., Maitland  
Thomas Kastelz, Esq., Jacksonville  
Lawrence Haber, Esq., Law Offices of Lawrence H. Haber, P.A., Altamonte Springs*

Financing a film is often much more difficult – and from a risk perspective, may be even more precarious than actually filming it. This panel will take the mystery out of compliance with the federal and securities laws (e.g., Regulation D filings v. private investor memos) and discuss the pros and cons of utilizing producer representatives, foreign sales agents, domestic distributors, digital rights aggregators and all-rights v. split rights deals. Specifically discussed will be the ethical concerns associated with ensuring compliance with the security laws and in engaging in a multijurisdictional practice.

4:55 p.m. – 5:00 p.m.

### Closing Remarks

*Carolyn Herman, Esq., Jacksonville Beach*

5:00 p.m.

### Networking Function at Cummer Museum (included in registration fee)

*Immediately Following Seminar*

## ENTERTAINMENT, ARTS & SPORTS LAW SECTION

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Carolyn Herman, Jacksonville Beach  
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## CLE CREDITS

### CLER PROGRAM (Max. Credit: 4.5 hours)

General: 4.5 hours  
Ethics: 1.0 hour

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**The Sixth Annual Independent Film and the Law**

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**Register me for the "The Sixth Annual Independent Film and the Law Seminar"**

**LIVE LOCATION: (358) THE CUMMER MUSEUM OF ART & GARDENS, JACKSONVILLE, FL (FRIDAY, OCTOBER 14, 2011)**

TO REGISTER BY MAIL, SEND THIS FORM TO: The Florida Bar, Angela Froelich, 651 E. Jefferson Street, Tallahassee, FL 32399-2300 with a check in the appropriate amount payable to The Florida Bar or credit card information filled in below. If you have questions, call 850/561-5633. ON-SITE REGISTRATION, ADD \$25.00. **On-site registration is by check only.** (Item #8070025)

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**REGISTRATION FEE (CHECK ONE):**

- Member of the Entertainment, Arts & Sports Law Section: \$100 (Item #8070022)
- Non-section member: \$135 (Item #8070023)
- Full-time law and film school student: \$25 (Item #8070024)

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- Enclosed is my separate check in the amount of \$35 to join the Entertainment, Arts and Sports Law Section. Membership expires June 30, 2012.



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