

LEGAL ISSUES IN ARTS MANAGEMENT

AMGT 620

Van Metre Hall, Room 311

Fall 2019 / 3 credits

Wednesday 4:30 — 7:10 p.m.

Paige Gold

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Office Hours - By Appointment

COURSE OVERVIEW: This course will survey general legal issues that frequently come up when managing arts organizations. Its purpose is not to make you a legal expert, but rather to help you understand how an organization's business and legal needs may be intertwined, to help you learn to spot issues and red flags that need to be addressed in the course of business so you can head off the possibility of a problem down the road, or to deal with a problem that has already arisen that could lead to an organizational crisis, if not addressed promptly.

The class will be a joint collaboration of students and professor; think of it as something like a gym membership: the more you put in, the more you will get out of it.

I understand that not everyone may be comfortable speaking up in class, but if you aren't, you need to start developing those skills now, because you'll need them when you move into management.

There's a saying that the law is a seamless whole – meaning that any given situation may give rise to many different legal issues. Thus, in addition to focusing on separate types of law, the class will be organized as a series of case studies: news stories and other accounts of real-life arts organization situations that touched on multiple legal issues.

I'm looking forward to getting to know everyone and learning along with you.

COURSE TOPICS: This course is an overview of practical legal issues that are encountered by arts managers, including contracts and licenses, intellectual property (trademarks, copyrights and the DMCA), rights of publicity and privacy, non-profit and for-profit formation and governance, art appraisals, disability law and government relations law for non-profits.

COURSE MATERIALS:

Required Texts: No required texts. Many materials will be handed out during class and/or made available on Blackboard.

Library Reserve:

Art Law (4th Edition), Ralph E. Lerner & Judith Bresler, PLI

Kohn on Music Licensing (4th edition), Al Kohn & Bob Kohn, Aspen

Lindey on Entertainment, Publishing, and the Arts, Alexander Lindey & Michael Landau, Clark Boardman Co. This is an excellent set of form books.

Blackboard / Course Content: - to be updated

DC Practice Manual, Art Law, Chapter 6, Janet Fries & Ann M. Garfinkle

Copyright Basics, U.S. Copyright Office Circular #1, May 2012 and the Digital Millennium Copyright Act

Protecting Your Trademark. Basic Facts About Trademarks, USPTO 2012

IRS instructions for form 1023 and form 1023 itself, IRS 990-PF and IRS 990

Music license agreements

Theatrical agreements

ASCAP Resource Guide

BMI Royalty Information

Agreement to Mediate

Additional reading material will be added as the course progresses.

GRADING:

The final grade will be determined as follows:

- 20% of the grade will be based on a short paper, topic to be determined by the student with approval of instructor; short paper will be a minimum of 2 pages and a maximum of 4 pages. This percent includes any additional required re-submissions.
- 35% of the grade will be based on class preparedness and class participation.
- 45% will be based on the final paper, an expansion of the short paper which has been approved by instructor; final paper will be a minimum of 12 pages and a maximum of 15 pages. 35% (of the total 45%) will be based on the paper itself and the remaining 10% (of the 45%) will be based on a formal presentation to the class; this presentation may include PowerPoint or other audio/visual material and/or distribution of hard copies of printed materials and/or other supplementary material. This is to be in the style of a professional presentation, including demeanor and attire.

CLASS SCHEDULE

(CURRENTLY A WORK IN PROGRESS)

Class 1: August 28 - INTRODUCTION TO COURSE AND TO CONTRACTS

Introduction / Course Overview & Requirements / Discussion of Short Paper Requirements / Contracts.

Open discussion with students about their individual goals and interests, so that the course can address relevant issues appropriately.

Discussion regarding the basics of contracts, including common contract terms and what makes a contract strong and enforceable.

Class 2: September 4 - TORTS and EMPLOYMENT LAW ISSUES

Lecture/discussion led by Paige Gold regarding torts (activities and incidents that give rise to civil lawsuits).

Lecture/discussion led by Rich Volin regarding employment issues that commonly arise in business, including those that arise more frequently in arts organizations.

Reading material to be provided prior to class.

Class 3: September 11 - TBD

Guest speakers and topics for this and upcoming weeks are still being confirmed. Updated syllabus to follow. Anticipated topics will include copyright and fair use, trademarks, the Visual Arts Rights Act, legal issues in the performing arts, government funding and the First Amendment, non-profit registration and maintenance of non-profit status.

Class 4: September 18 – TBD

Class 5: September 25 - TBD

Deadline for initial consultation with Prof. Gold over topic of your paper.

Class 6: October 2 - TBD

Class 7: October 9 - TBD

Class 8: October 16 - TBD

Class 9: October 23 - TBD
Short paper due date.

Class 10: October 30 - TBD

Class 11: November 6 - TBD

Class 12: November 13: TBD

Class 13: November 20: TBD

NO CLASS ON NOVEMBER 27 - HAPPY THANKSGIVING

Class 14: December 4 - ALL FINAL PAPERS DUE

Presentation of some student final papers followed by a discussion of legal issues that you, the students, presented in your papers.

Class 15: December 11 - TBD

Presentation of the balance of student papers and final open discussion.

CLASS AND UNIVERSITY POLICIES

Electronic devices: Please turn your cell phone ringer off at the beginning of class. As a matter of courtesy to your professor and classmates, cell phones, text and email may only be used during formal breaks in the class session. Class lectures and discussions may be recorded. However, these recordings are to be played only for your own personal use and may not under any circumstances be reproduced without the express written permission. Reproduction or distribution of these materials without permission will be acted upon as a violation of the honor code.

Absence: Please inform us of the reason for any absence. One absence will be excused. Each additional absence may result in a drop in your grade.

UNIVERSITY POLICIES

Grades and Incompletes: Once final grades have been recorded, faculty are not to accept any work to change a grade. Grade changes can only be approved when they are due to a calculation or recording error on the part of the faculty. An incomplete grade (IN) should be used only if the student requests it in writing. An IN counts as a failing grade until completed, and it automatically turns into an F if a grade is not turned in by the deadline in the Schedule of Classes. In addition, faculty may assign an IN only if the student has a very limited amount of work to complete and there is a non academic reason they can't do so within the semester and if, in their best judgment, the student actually stands a good chance of passing the course by finishing the work satisfactorily. Typical situations for giving incompletes involve a final exam (missed due to illness) or a final paper (not completed because of a family emergency). Faculty are not to assign incompletes if the student has missed a substantial portion of the work of the semester and wants extra time to do it; Faculty are not to assign incompletes to give a student time to improve on work already completed.

Privacy: Federal law (a law known as FERPA) requires us to protect the privacy of student information. Faculty should not speak about a student's record with anyone other than the student. The record includes how a student is doing in a course, whether a student has attended class, information about performance or grades, whether a paper has been turned in, etc. This prohibition includes parents, siblings, spouses, anyone. According to the University catalog, all students and faculty are to use their GMU.EDU email address. Some commercial email addresses may be filtered out of the GMU.EDU system. No official information can be sent to students unless on the Mason email system.

Disability: If you are a student with a disability and you need academic accommodations, please see me and contact the Office of Disability Resources at 703.993.2474. All academic accommodations must be arranged through that office. The need for accommodations should be identified at the beginning of the semester and that the specific accommodation has to be arranged through the Office of Disability Resources. Faculty may not to provide accommodations to students on their own (e.g. allowing a student extra time to complete an exam because the student reports having a disability).

The GMU Honor Code: <http://www.gmu.edu/catalog/apolicies/index.html#Anchor12>

Academic Integrity and Conduct: It should go without saying that in this course, as with all others, you should conduct yourself and your research with the highest level of integrity and ethics. Cite others when appropriate in written work and oral presentations, listen to the opinions

of classmates with an open mind, and generally treat others (and the work of others) as you would like to be treated. To review the Honor Code of George Mason university, please visit: <http://www.gmu.edu/catalog/apolicies/index.html#Anchor12>

Honor Code: To promote a stronger sense of mutual responsibility, respect, trust, and fairness among all members of the George Mason University community and with the desire for greater academic and personal achievement, we, the student members of the university community, have set forth this honor code: Student members of the George Mason University community pledge not to cheat, plagiarize, steal, or lie in matters related to academic work.

GMU student information and resources: <http://www.gmu.edu/mIstudents/>

Please sign up for the Mason Alert System by visiting the website <https://alert.gmu.edu>. An emergency poster exists in each classroom explaining what to do in the event of crises and further information about emergency procedures exists on <http://www.gmu.edu/service/center>.