

PIERCE LAW GROUP LLP

Who the Independents depend on
Film • TV • New Media

Entertainment Law Circular
February 2017

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**It's a Bird, It's a Plane...
It's 2 High-Flying
SuperLawyers!**

Super Lawyers®

For the third consecutive year, **David Albert Pierce** has been accorded the distinction of being named to the list of **"SuperLawyers"** by Thomson-Reuters publishing company.

Congratulations also go to **Azita Mirzaian-Iskandar** who was

**Swindler's List:
7 Tips for Avoiding Film Scams in Hollywood**
By David Albert Pierce, Esq.



In **Winter 2017's MovieMaker Magazine** now on newsstands, **David Albert Pierce** has a published article entitled **"Swindler's List: 7 Tips for**

named "A Rising Star" by SuperLawyers a division of Thomson-Reuters publishing company. The Rising Star distinction is accorded to less than 2.5% of all practicing attorneys in California under the age of forty with less than ten years of experience and is an achievement that is well deserving of her!

That's a Wrap on Client Brian Moses' Roast Battle 2



Roast Battle Season 2 has completed filming with the championship finals televised live on Comedy Central on January 27th. You can watch the finale on [Comedy Central's site](#).

Congratulations to this season's winner, Frank Castillo (pictured above holding the *Roast Battle* trophy next to David).

We expect more success for Frank, who received his "comedy education" via his job as a door guy at the world famous **Comedy Store**.

Avoiding the Scam in Hollywood." The article is part of Pierce Law Group LLP's ongoing mission to educate independent producers and investors on common scams perpetrated against the unsuspecting filmmaker and the conmen who perpetrate them. The following are some excerpts of that article printed with the permission of MovieMaker Magazine:

Over the past couple of years, my law firm has developed an unfortunate cottage industry for representing innocent producers and investors who have been scammed by shrewd thieves presenting themselves as the answer to our clients' filmmaking dreams.

Almost all of the scams involve one of the following lines: 'Close this deal now! Match the funds.' 'The process for how my funds come is complicated, but it works.' 'You just need to focus on the creative and I'll handle the business.' 'Look at my long list of credits/ Why would you need to speak to any of the individuals from those films to attest to my abilities?' 'Completion bonds, lawyers, and private placement offerings are a waste of money. Let's not over-lawyer this!' 'We can't disclose the other sources of financing because of a non-disclosure agreement.' '! thought we were friends! You've got to be willing to trust me.'

Yet cons can be spotted if you know what to look for. Any one of the statements above is a good indicator that you should think twice and perform due diligence before entering that deal. You'll hedge your bets and avoid the bad players who promise to provide all the expertise a first-time moviemaker lacks, and who give a bad name to the good guys who actually deliver on such promises.

The MovieMaker article goes on to identify seven mistakes that can subject innocent producers or innocent investors to conmen and careless interlopers that place the film's production money at risk. Those seven mistakes are:

MISTAKE ONE: Not researching the company and its individuals.

MISTAKE TWO: Not understanding the interrelations between parties.

MISTAKE THREE: Relying on so-called finders and misunderstanding securities laws.

Roast Battle was originally created by Pierce Law Group LLP client **Brian Moses** as a live show which continues every Tuesday night at 11:30pm in **The Belly Room of The Comedy Store**.

Brian and **Roastmaster General Jeff Ross** thereafter jointly developed the show for television.

Client Dinner at Sundance



On January 22, Pierce Law Group LLP held a dinner for clients and friends of the firm at Butchers' Chophouse in Park City, Utah during the Sundance Film Festival.

21 guests were in attendance for the evening of fine wines and delicious steaks.

Client Slamdance Film Festival Has Another Successful Festival Run



Pierce Law Group LLP is proud of its longtime affiliation with **Slamdance Film**

MISTAKE FOUR: Not providing full disclosure to investors.

MISTAKE FIVE: Falling for an apparently indecipherable, complex loan.

MISTAKE SIX: Eschewing a completion bond and not assigning an educated executive to monitor investor money.

MISTAKE SEVEN: Skimping on the services of a competent attorney and accountant.

For a full discussion of those seven mistakes, and how to avoid their adverse affects, see the complete *MovieMaker* article entitled "Swindler's List" by [clicking here](#).

25 Casting Agents Charged with Misdemeanors by City Attorney under Krekorian Talent Scam Prevention Act By Joshua Edwards, Esq.

Pierce Law Group LLP's past warnings to those who conduct entertainment related seminars for profit about the importance of complying with the seven year old law known as "The Krekorian Talent Scam Prevention Act" have proven prophetic. On Thursday February 9, 2017, the Los Angeles City Attorney, Mike Feuer, announced that 25 individuals, including 18 casting directors, had been formally charged with criminal violations of the Krekorian Talent Scam Prevention Act. These charges are the result of a year-long investigation into several well-known companies that host casting director workshops. The workshop that led to criminal charges against included The Actors Link, The Actor's Key, Actors Alley, The Casting Network, and Studio Productions.

The Krekorian Talent Scam Prevention Act ("Krekorian Act"), which has been in effect since January 1, 2010, strictly regulates those in the talent services industry (including representatives and cast directors among others) regarding such matters as charging upfront fees in exchange for a promise of future auditions or employment (or the illusion of the same), as well as for services such as photo sessions (for mandatory headshots), photo shoots (modeling portfolios), and other assorted services intended to create marketing

Festival. In addition to serving as the General Counsel for the Festival, Pierce Law Group LLP is a premiere sponsor of the event and presented daily legal clinics for festival attendees as well as a Fireside Chat concerning what to do when all hell breaks loose with your production (which was simultaneously broadcast via Facebook).

Pictured above are Fireside Chat participants: attorneys **David Albert Pierce** and **Vera Golosker** of Pierce Law Group LLP and film producer **Jillian Stein**.

Comedy & Fishing in West Palm Beach



PLG stand up comedian client **Steve Trevino** took some time off while headlining at the Improv in West Palm Beach for a day of fishing with PLG social media influencer client **Darcizzle Offshore** (the Danica Patrick of Competitive Sports Fishing).

materials for the fledgling actor, model, or other creative artist.

The Krekorian Act also regulates Talent Training Services (e.g. acting schools, casting director workshops), Talent Counseling Services (i.e. consultants who provide contact information for agents and managers, as well as advice for getting into the "biz"), and Talent Listing Services (e.g. "call-in" services, online casting services such as "LA Casting," and background actor services such as "Central Casting").

Casting workshops are a common practice in the film and television industry, and widely regarded as an effective forum for actors to learn about the casting process, learn effective audition techniques, and receive valuable feedback on audition techniques and marketing materials (i.e. headshots) in real time. The workshops also provide a forum for casting directors (generally regarded as the gatekeepers to the industry) to network and discover unknown talent in a professional setting, without the pressures normally found in a typical audition setting.

However, critics of casting workshops state that casting directors who participate in these workshops exploit desperate actors by collecting fees to attend the workshops, in exchange for a chance of a future audition, and that the workshops are in effect "payola" schemes masquerading as casting workshops.

The truth in most circumstances likely lies somewhere in the middle, as the congenial nature of casting workshops and the exchange of information provides valuable exposure for unknown actors, which may lead to a casting director requesting an actor to audition on a future project. While the chance of an actor getting a subsequent audition following a workshop is extremely rare, it's the actor's reliance on this rare opportunity and the marketing techniques of the workshops that the Krekorian Act is seeking to prevent from being exploited.

Pierce Law Group LLP has forewarned of the wide spread failure of the Industry to properly heed the 2010 Kerkerian law and its guidelines. We have also successfully assisted clients in the talent service provider industry with compliance advice under the Krekorian Talent Scam Prevention Act--



Pictured above Steve and Darcizzle chart the course for a 3 hour fishing tour as Captain Brian listens intently

To watch an exciting video clip of Steve and Darcizzle fishing with a cameo appearance of Dave Pierce and his epic "fish fail" where he breaks a fishing rod while reeling in a 39 inch snook, [click here](#) (its one fishing video that a whole lot of fun to watch).



If not for the efforts of the fearless crew, the snook (which was a heck of a lot bigger than any minnow, or the fish pictured above) would be lost. The fish would be lost!

The sea was angry that day my friends.

Accorded the Highest Recognition by Industry & Peers

both in terms of the procedural licensing and bond requirements for properly conducting such seminars and the substantive rules governing what can be said and done in such seminars and their advertising of "for profit" entertainment industry related seminars.

Obviously, the 25 individuals now facing criminal charges brought by the L.A. City Attorney never sought such advice from our firm nor presumably from any other law firm. Unfortunately for them, ignorance is not bliss.

Perhaps the most disturbing notion about these criminal charges, given some of the names of the notable casting directors charged, is that these charges could have been avoided via simple compliance with the Act. It is important to note that casting workshops are not inherently illegal and that any nexus between an actor's appearance at a casting director workshop and a subsequent audition (even if it is coincidental) will not be criminalized if certain guidelines are met.

The Kerkorian Act provides very detailed guidelines and requirements for talent services providers (including casting workshops), which include the posting of a bond with the California Labor Commission, a requirement that the service is primarily educational or informational in nature, and a requirement that all advertisements (including websites) include very detailed disclaimers. While this list is not exhaustive. If you are engaged in such activities or plan to be engaged in them, and would like further information and specific advice on how to comply and remain in compliance with the Kerkorian Act, please contact us to set up a consultation. We can be reached at 310-770-0400 or via email at:

joshua@piercellp.com or david@piercellp.com

Upcoming Speaking Engagements

On February 14 and continuing each Tuesday through May, David commences teaching his course entitled "Media Law & Ethics" for **Elon University's semester In L.A. program. This is the fourth year that David has taught this undergraduate course.**

On February 23, from noon to 2pm, Azita Mirzaian-Iskandar is moderating the Beverly Hills Bar Association's **Copyright Year In Review for**



Membership limited to attorneys who've won million dollar verdicts & settlements

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2016. For more information on this panel, [click here](#).

On **March 9, from noon to 2pm**, The Beverly Hills Bar Association Intellectual Property, Internet & New Media section presents **Trademark Year in Review for 2016**. For more information on this event, [follow this link](#). **Azita Mirzaian-Iskander** is the BHBA IP Section Chair and assisted in the preparation of this panel.

On **March 15, from noon to 2pm**, The Beverly Hills Bar Association Entertainment Law Section is presenting a panel entitled: **To Clear or Not To Clear: Clearance For Reality Programming**. For more information on the panel, [click here](#). **David Albert Pierce** is the Secretary of the BHBA Entertainment Law section and assisted in the preparation of this panel.

PLG LLP Obtains Resolution in Long-Fought Right of Publicity Case

After several years from the first filing of a complaint for unauthorized use of celebrity likeness which was fraught with many procedural challenges overcome by our firm, Pierce Law Group LLP obtained a "mutually agreeable resolution" between the defendant and our client, an international model and television personality. Pierce Law Group LLP litigators **David Albert Pierce** and **Vera Golosker** handled the matter on behalf of the plaintiff.

Pierce Law Group LLP litigation department specializes in developing strategies for dealing with complex procedural and substantive issues concerning entertainment law, intellectual property, film finance and employment law, and we represent both plaintiffs and defendants.

For more information about right of publicity concerns or other litigation matters, contact **David Albert Pierce** or **Vera Golosker** at (310) 274-9191.

About Pierce Law Group LLP

Pierce Law Group LLP is a full service, boutique entertainment law firm that provides both transactional and litigation legal services. Our practice areas include entertainment law, intellectual property (copyright, trademarks, right of publicity), film finance, securities law, production counsel, and labor & employment issues affecting the entertainment industry, with an emphasis on film, television, and new media. We represent production companies and other creative businesses as well as artists including producers, actors, writers, directors, comedians, and other entrepreneurs. Our client list includes both Academy Award and Emmy Award winners. We utilize an academic and analytic legal approach to accomplish creative solutions to our clients' goals.

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