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Film • TV • New Media

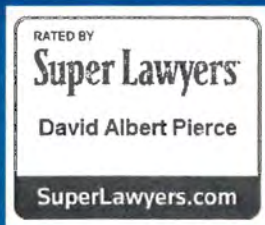
Entertainment Law Circular

November 2016

PierceLawGroupLLP.com

(310) 274-9191

Accorded the Highest
Recognition by
Industry & Peers



New California Employment Laws Effective in 2017

AB 1843 states companies can no longer ask about juvenile convictions during the employment application process.

Pierce Law Group has a revised, compliant employment application - if you would like a copy of it, please contact Tony Hannah at Tony@piercellp.com.

AB 1063 expands wage discrimination protections to apply not only to sex but now race and ethnicity when employees are engaged in substantially similar work.

AB 1676, in furtherance of the State's efforts to eliminate wage discrimination, now establishes that an employee's prior salary cannot by itself justify any disparity in compensation.



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

Please Take a Moment to
Donate to this Worthy Cause



LEUKEMIA &
LYMPHOMA
SOCIETY®

fighting blood cancers

Thank you to everyone who has supported our ongoing fundraising campaign to support the Leukemia & Lymphoma Society!

On October 22nd our attorneys and staff, along with some of our comedian clients, attended LLS's Light the Night Walk at LA Live.



So far, we've raised almost \$13,000. Our next milestone goal is to raise \$30,000 before the end of the year.

However, in California, employers are still free to ask about applicants' salary histories.

AB 2337 requires the Labor Commissioner to draft a notice concerning domestic violence protections that are afforded by California law, for circulation to all workforces with more than 25 employees.

The Labor Commissioner must publish this notice by July 1, 2017 and at that time all employers with more than 25 employees need to circulate and post this notice for employees. Once published, this notice can be posted along with the other required state and federal workplace postings in both office environments and on-set.

SB 1241 states that if employees work and reside in California, employers cannot force employees to adjudicate claims outside of California when the claim arose in California.

Production companies (and their counsel) will need to take a closer look at who is working on their productions before choosing venues other than California for production employment agreements for California residents (especially those that default to New York for their venue of choice).

Workers Compensation First Aid Claims. Effective January 1, 2017, the Workers' Compensation Insurance Ratings Board will require reporting of all claims with any medical loss, including any first aid claims made under Labor Code section 5401(a).

First aid claims typically include such minor actions such as using nonprescription medication at nonprescription strength; cleaning, flushing, or soaking wounds on the surface of the skin; and using wound coverings such as bandages, gauze pads, etc. For employers, these claims are typically included in the policyholder premium. Companies are responsible for complying with this new regulation.

The 1st Assistant Director is responsible for directly overseeing safety on set. 1st A.D.s should be made aware of this new rule, but workplace safety is everyone's responsibility. Ultimately, the production company is the responsible party that will be fined for failure to comply.

Pierce Law Group LLP has long served as a leading advisers the entertainment industry in issue of labor and employment law. For info about how any of these new

If we raise \$50,000, an LLS Research Grant will be named in honor of Malcolm D. Pierce, David's father.

Donations can be made by via the PLG LLS Donation Page



Congratulations to our Clients on Comedy Central's "Road to Roast Battle III!"



Comedy Central is gearing up for a second season of Roast Battle. Our client **Brian Moses**, who co-created the show with fellow Executive Producer **Jeff Ross**, will be hosting again this season.

Clients **Willie Hunter** and **Jeremiah Watkins** perform as the reoccurring "jeer leaders" as part of The Wave Comedy Troupe. Clients **Jesus Trejo** and **Jay Light** are competing in the battle.

The series will air in January on Comedy Central.

Beverly Hills Barristers'

laws may affect you, please contact any of our attorneys at (310) 274-9191.

Avoiding the Con in Hollywood

By David Albert Pierce, Esq.

Over the past couple of years, our firm has developed an expertise in representing innocent producers and investors who have been scammed by shrewd thieves who present themselves as the answer to our clients' filmmaking dreams.

--- *"My money is burning a hole in my pocket! Close this deal now! Match the funds! The process for how my funds come in is complicated but it works!"*

--- *"We'll prepare the budget. We'll contract for all the equipment. You just need to focus on the creative and we'll handle the business stuff!"*

--- *"Look at my long list of credits. Why would you need to actually speak to anyone I worked with on those films who can attest to my abilities?!"*

--- *"Completion bonds are a waste of money!"*

--- *"Lawyers are a waste of money! Plus, we don't have time for lawyers -- if its not done now the deal is over!"*

--- *"Private placement offerings are a waste of money!"*

--- *"We can't disclose the other sources of financing because of a non-disclosure agreement!"*

--- *"I thought we were friends! You've got to be willing to trust me!"*

--- *"I'm horribly offended that you would not trust my word and insist on due diligence!"*

--- *"Let's not over-lawyer this!"*

If you hear any of these lines and proceed without sound legal counsel, by the time you reach us, you are already in a bad position. You were a victim of a crime, but generally state and federal authorities only want to get involved if millions are at stake, not mere hundreds of thousands.

Investment in films is often both high-risk and low-reward. Most prudent investors understand this and nonetheless opt to invest for many reasons other than the hope of a return. Inexperienced filmmakers can

For the Troops Project

October was a successful month of charity for Pierce Law Group LLP. In addition to Light the Night and our ongoing campaign for the Leukemia and Lymphoma Society, two PLG attorneys donated their time to two other deserving charities. **Azita Mirzaian** helped raise funds for **UNICEF** through the annual Trick or Treat for UNICEF campaign. Her team raised over \$1,000 for international humanitarian aid for children! Also, on October 30th, **Vera Golosker** participated in **The Jewish Federation's** annual "Tour de Summer Camps" bikeathon. She biked 36 miles and her team raised over \$900 for Jewish summer camps!

This November and December, our firm will be participating in **The Beverly Hills Bar Association's Barristers' For the Troops Holiday Community Outreach Program**. David (BHBA Entertainment Section Secretary), Azita (Chair of the BHBA IP, Internet, and New Media Section), as well as the rest of the attorneys and staff at PLG encourage you to join us in donating to this charitable effort.

[Find out more about the Beverly Hills Bar Association by clicking here.](#)

expose themselves and their inexperienced "friends and family" investors to unscrupulous players who promise to provide the expertise that the filmmaker lacks. The high-risk nature of film investment can become even more risky due to the unfortunate number of scammers and conmen that prey on unsuspecting investors and filmmakers.

But cons can be spotted, and if you know what to look for, they can be spotted with ease. Conmen's tactics are often repeated and readily identifiable. Smart investors and filmmakers understand how to spot the difference between conmen and legitimate showmen who create commercially successful films. *Any one of the ten statements above is a good indicator that you might be dealing with a conman and should think twice before proceeding with that deal.*

Engaging in due diligence and actual negotiations prior to releasing money can greatly limit your risk and help avoid some common pitfalls.

[Click here to read the full article on the seven common mistakes that make producers & investors vulnerable to conmen.](#)

Recent Speaking Engagements

CON MEN IN THE ENTERTAINMENT INDUSTRY

On October 26th, **David Albert Pierce** served as moderator and contributing speaker to the **California Society of Entertainment Lawyers'** panel on "Con Men in the Entertainment Industry," featuring **Schuyler M. Moore, Esq.** of Stroock, Stroock, & Laven, LLP; **George Cardona, Esq.**, Chief of the Major Frauds Section at the US Attorney's Office in the Central District of California; and Producers Guild of America member **Jillian Stein**.

RIGHTS & CLEARANCE IN FILM & TELEVISION

On October 27th, **David** presented a seminar for **California Lawyers For The Arts** on "Rights Clearance Issues for Film & Television" at the Ken Edwards Center in Santa Monica.



TELEVISION ACADEMY'S VISITING PROFESSORS ASSOCIATION

On November 9th, David delivered his annual lecture to the **Television Academy's Visiting Professors Program** on clearance issues and the latest developments in entertainment law. This is David's 16th year delivering this lecture in conjunction with fellow lecturer, rights clearance attorney **Stephen Fisch, Esq.**



Congrats to Donovan Davis



Donovan Davis (#22, pictured above), son of PLG LLP attorney Joshua Edwards, is having a great football season at El Camino Junior College. In addition to being named All-Conference Running Back, he is also one of the top Junior College running backs throughout the state of California. He is currently entertaining several offers from Division I colleges. Go Donovan!

ARCLIGHT WOMEN IN ENTERTAINMENT SUMMIT

On November 10th, attorneys **Briana Hill**, **Azita Mirzaian**, and **Vera Golosker**, along with paralegal **Samantha Cohen**, attended the second annual **Arclight Women in Entertainment Summit**, which seeks to use the collective knowledge of women in all facets of the entertainment industry to find creative solutions to the challenges facing those women today and in the future.

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News of our Talented Staff

Our Billing Manager Ben Kuerschner is also a talented writer/performer. His next show is:

"Your TPT Late Night Show Tonight"

Date: Friday, December 9th

Time: 10:00pm

Where: The Pack Theater (6470 Santa Monica Blvd.)

Your TPT Late Night Show Tonight is late-night with a twist. Every show has a different host, different guests, performers, and writing staff selected from the Pack Theater Community, recently named the Best Comedy Venue in LA by LA Weekly.

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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