

# PIERCE

## LAW GROUP LLP

Who the Independents depend on  
*Film • TV • New Media*

Entertainment Law Circular


October 2016

[PierceLawGroupLLP.com](http://PierceLawGroupLLP.com)

(310) 274-9191

Stay Connected & Like  
Us On Social Media



 Forward to a Friend

Accorded The Highest  
Recognition by  
Industry & Peers



Don't Miss This Incredible Panel Designed For  
Attorneys & Non-Attorneys Alike

### "CON MEN IN THE ENTERTAINMENT INDUSTRY"

#### **Speakers:**

**Eileen Decker** - U.S. Attorney, Central District of California  
**Schuyler M. Moore** - Partner, Stroock & Stroock & Lavan, LLP  
**Jillian Stein** - Education Counsel Delegate, Producer's Guild of America

#### **Moderator:**

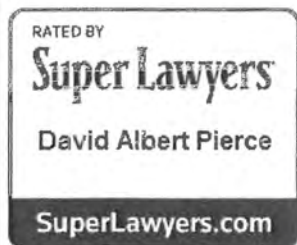
David Albert Pierce - Managing Partner, Pierce Law Group LLP

#### **Date:**

Wednesday, October 26, 2016

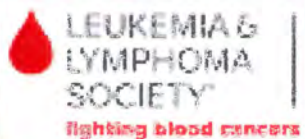
#### **Location:**

Maggiano's at The Grove (189 The Grove Dr. Suite Z-80, Los



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

**Please Take A Moment To Donate To This Worthy Cause**



**October is blood cancer awareness month!**

**On October 22, 2016** PLG attorneys and staff will once again participate in the **Leukemia Lymphoma Society's Light the Night Walk at LA Live.**

All individuals that make a minimum \$30 donation to our LLS Executive

Angeles, CA 90036)

**Lunch:**

12:00 p.m.

**Panel Program:**

12:30 p.m. - 2:00 p.m.

**Cost:**

\$75 per person; \$50 for CSEL members; \$50 for Students

*\*Non-Lawyer Pierce Law Group clients (not seeking MCLE credit) can sign up for the CSEL Member price of \$50 by contacting [sam@piercellp.com](mailto:sam@piercellp.com).*

This presentation is appropriate for attorneys, managers, agents, business managers, investors, lenders, and filmmakers interested in learning how to prevent being ripped off by common scams involving film financing and other matters.

For more information and registration click:

[CSEL Lunch Seminar Registration](#) or [sam@piercellp.com](mailto:sam@piercellp.com)

**Attorneys:** This program is approved for **1.5 hours of State Bar of California MCLE credit**, including **0.5 ethics** credit.

## Other upcoming seminar programs & speaking engagements

On October 22nd from 8 am - 5pm USC and the Beverly Hills Bar Association present their annual Entertainment Law & Business Symposium at the Gould Law School - USC campus. For the last 2 years, PLG-LLP's Litigation Department Head Azita Mirzaian has served as a member of the Syllabus Committee for this prestigious event.

On October 27th at 7 pm, David Albert Pierce and PLG-LLP paralegal Samantha Cohen will be presenting a seminar program for California Lawyers For The Arts on "Rights Clearance Issues for Film & Television" at the Ken Edwards Center in Room #106 (1527 4th St, Santa Monica, CA 90401).

**For registration and further info, click: [CLFTA Workshop Calendar](#)**

On Nov. 9th, DAP will once again be delivering his annual presentation to the Television Academy's Visiting Professor Program on "Latest Developments In Securing Rights & Clearance Issues." This will be David's 16th year presenting this program for the Television Academy in conjunction with fellow rights-clearance attorney Stephen Fisch, Esq. This is a closed event.

## Does That Contact Really Say What You Meant?

By David Albert Pierce, Esq.

Challenge (see details below) are invited to attend the Light The Night festivities which includes the Glow Zone (a kid's festival area with slides, bouncy houses, games & other carnival fun). The Glow Zone opens at 4:30 pm. and continues until 8 pm.

**Whether you can make it or not please contribute to our LLS Executive Challenge.**

**Our initial goal through October is \$10,000, and our annual goal is \$50,000.**

**If \$50,000 is raised, a Research Grant to LLS will be named after Malcom D. Pierce (David's dad)**

Donation can be made at: [Light the Night Challenge Donation Page](#)

**This donation portal** has been established specifically for friends of Pierce Law Group and Pierce Law Group will match the first \$5,000 in donations.

For those interested in also actually participating in the festivities at the Light The Night event on Oct. 22, 2016, including the kid friendly "Glow Zone" play center with carnival games and more, contact Katie at Pierce Law Group for more

Contract drafting is an art and a skill. Every contract and every clause has the ability to be drafted "pro" one side, pro the other, or middle of the road.

At times, to our amusement, a client will instruct our firm to simply send out a "standard template" and will state that there is no need to spend any time on the contract. While some mindless pettifoggers (*the term in reference to less than diligent practitioners of law*) may just shoot out a template without much thought or modification, a diligent attorney will view each contract with far more respect.

Contracts are designed to answer all of the "what if's" of the arrangement between the contrasting parties: What if we want to end our business relationship?; What if one of us does more work than the other in regard to trying to get our project into production?; What if one of us gets called off this project to work on one of his/her own projects? What if we disagree on the final product? What if a hurricane hits? The list of "what if's" can be a long one. Each type of project, each type of contract, and each type of fundamental relationship between the contracting parties requires its own unique set of "what if's" for the parties and their attorneys to evaluate.

Sometimes the project that was the subject of the contract may begin and end without any problems or disputes. . . or, perhaps the foresight of considering all the "what if's" was precisely why the project began and ended without any problems. In some situations, a shorter contract is appropriate. In other situations, a longer contract is better. Different situations and facts need to be considered for every deal.

Parties can also get in trouble when they fail to understand the meaning of all of the legal terminology in a contract. If a producer just uses old contracts from an old production, they can often have a rude awakening when they realize that items which they just assumed were "boilerplate" have real effect and meaning which they did not desire for this deal.

For example, contracts must be read with an understanding of the choice of law that governs the contract. Interpretations can differ depending on the jurisdiction of clauses that applies in any particular case. Jurisdictions matter. A recent case decided by the California Court of Appeals entitled, Hjelm v. Proethus Real Estate Group 2016 DJDAR 10085 (1st Dist. Ct. of A. decided October 5, 2016) is just one example of how different jurisdiction can have different effects on contracts and how failure to consider the ramifications of a simple provision, as a clause permitting recovery of attorney fees in the event of litigation, can present unexpected problems.

In the *Hjelm* case, two contracting parties signed a 24-page contract. The contract contained three different provisions calling for Party A to be able to recover its attorney fees if it prevailed in court. The contract did not permit Party B to recover his attorney fees if he won in court. However, because the contract dispute that brought the parties

information:  
[sam@piercellp.com](mailto:sam@piercellp.com)

**We appreciate your support! Even just a \$30 donation would be fantastic!**



## October 2016 Photo Gallery

### **BUFFALO INVADES L.A.**

**DAP** joined thousands of Western New Yorkers transplanted in SoCal in routing for the **Buffalo Bills** in their victory over the **L.A. Rams** at the Coliseum.



**DAP** enjoys the Bills victory with among others, Comedy Store comedians **Lucas Hirl** and **Brenton Biddlecomb**, Producers **Mike Wech** and **Doug Wilson**, along with Hollywood legendary personal manager **Howard Lapidis** and his son **Max**.

into a court provided for California jurisdiction, the one-sided attorney fee provision was read by the California courts read as if the contract permitted either side to recover attorney fees upon prevailing in the case.

This decision was based on the fact that California Civil Code § 1717 (a) states that, "In any action on a contract, where the contract specifically provides that attorney's fees and costs, which are incurred to enforce that contract, shall be awarded either to one of the parties or to the prevailing party, then the party who is determined to be the party prevailing on the contract, whether he or she is the party specified in the contract or not, shall be entitled to reasonable attorney's fees in addition to other costs."

Thus, if you desire a contract that permits you to recover attorney fees but not the other party with whom you are contracting, taking steps early to ensure avoidance of California law or any similarly situated jurisdiction will be a concern to you. If you felt California law could not be avoided, then you would want your counsel to explain this deviation from basic contract law which permits parties to draft provisions as they see fit, you might think twice about inclusion of an attorney fees provision in the contract if you fear you may be the one more likely to be sued and lose. This is just one small example of the hundreds of pitfalls that can exist with contracts and illustrates the importance of simply not asking for the "boilerplate template."

Most of us are smart enough not to take another friend's medication without first checking with a doctor to ensure the medication is safe and appropriate. The same basic precautions apply when using a contract that was originally prepared for another.

Pierce Law Group LLP views contract drafting as true art and appreciates the value of each clause. If you are in need of a contract for your business dealings, contact a Pierce Law Group LLP attorney and let us help protect you from all the "what ifs" that you may confront.

## 2016 Slamdance Screenplay Awards

The 2016 Slamdance Screenwriting Competition Awards Ceremony was held Thursday, October 6th at the Writer's Guild of America. Pierce Law Group has been a proud sponsor and supporter of Slamdance since 1998, and we were delighted to attend and meet so many new and talented writers.

**Congratulations!**

**Andrew Kightlinger**

1<sup>st</sup> place winner for Best Narrative Feature Screenplay

-----

## A NIGHT OF CHARITY

On Sept. 24th, DAP attended the **FaceForward "Havana Nights"** Charity Gala. FaceForward provide emotional support and reconstructive surgery for victims of domestic violence, human trafficking or any cruel acts of crime.

Congratulations to our friend **Deborah Alessi, CEO / Founder of Face Forward** for her tireless efforts in running this deserving charity and this amazing fundraising event.



-----

## DAP JOINS EXEC. BOARD OF BHBA ENTERTAINMENT LAW SECTION

On October 5th **David Albert Pierce** was sworn in as the new Secretary of the Beverly Hills Bar Association's Entertainment Law Section.

## Anju Andre-Bergmann

1<sup>st</sup> place winner for Best Short Screenplay



DAP congratulates Andrew Kightlinger on winning Best Narrative feature Screenplay for his script entitled "Great White Shark"

Join Our Mailing List!

*If you are not automatically receiving our newsletter directly, click here!*

**Ride to Support Jewish Summer Camps:  
Check out Attorney Vera Golosker's team fundraising page!**

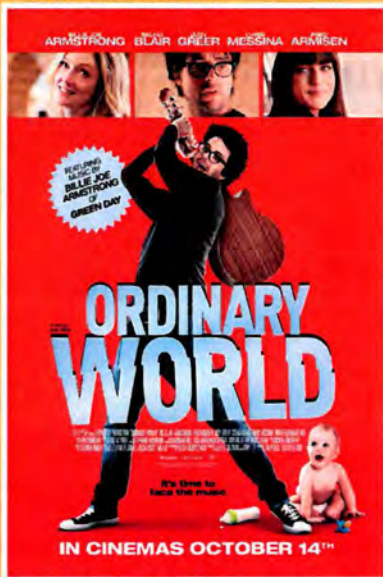
**PLG-LLP** attorney **Vera Golosker** is participating in the **2016 Jewish Federation "Tour de Summer Camps"** bikeathon and invites you to donate to this fund which helps fund Jewish summer camps around the country, and helping kids build a lifelong connection to Jewish identity and values. To make donations to Vera's campaign, go to: <https://www.tourdesummercamps.org/Team/View/29794/Team-Awesome>



From left to right: **Adam Siegler**, incoming BHBA Executive Board member, **Alexander Rufus-Issacson**, incoming Entertainment Law Section Chair, **David Albert Pierce**, and **Pierre Pine**, incoming Entertainment Law Section Vice Chair.

### New In Theaters

Congrats to our client Producer **Alex Ginzburg** on the **Universal Pictures** release of his film "**Ordinary World**" starring lead singer of Green Day **Billie Joe Armstrong** and **Selma Blair**. Now playing in limited release.



PLG-LLP attorneys **Trea Tran-Lachowicz & David Albert Pierce** represented the Production Company in its distribution deal with **Universal Pictures**, as well as the film's assorted foreign sales contracts.

The bike-a-thon takes place on October 30th 2016! Pierce Law Group LLP is a proud supporter of the Jewish Federation.

### News of our Talented Staff

Pierce Law Group's Billing Manager **Ben Kuerschner** is also a talented writer/performer. He has two shows coming up in November on which he both writes and performs:

#### "The 88 Show with Avery Pearson"

Date: Wed. Nov. 9th

Time: 10:00pm

Where: The Improv (8162 Melrose Ave, Los Angeles, CA 90046)

The 88 Show features comedian Avery Pearson hosting while at the seat of his 88 key piano along with his most talented friends performing songs, sketches, impressions and desk bits.



#### "Your TPT Late Night Show Tonight"

Date: Friday Nov. 11th

Time: 10:00pm

Where: The Pack Theater (6470 Santa Monica Blvd. Los Angeles, CA 90038)

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*.

### Clocks Fall Back November 6th

Reminder: Change those clocks: We exit Daylight Savings Time and fall back to Standard Time this year on November 6th at 2 a.m. Remember to set your clocks and watches to "Fall Back" 1 hour before you go to bed on Saturday November 5th.



And note, Arizona is a state that does not participate in the ritual of Daylight Savings. Likewise Hawaii, Puerto Rico and the Virgin Islands do not change their clocks. Confused? Just consult your iPhone for accurate world clock times.

## About Pierce Law Group LLP

Pierce Law Group LLP is a full service entertainment law firm with eight attorneys. It practices in the areas of 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.

The firm also represents various artists including producers, actors, writers, directors, numerous accomplished comedians, and other creative entrepreneurs.

Our client list includes both Academy Award and Emmy Award winners. The Firm's academic and analytic approaches to contract negotiations and litigation seek to obtain creative solutions for achieving our clients' desires.

## Practice Areas

[Entertainment Law](#)

[Intellectual Property](#)

[Film Finance](#)

[Employment Advice for Creative Entrepreneurs](#)

**PIERCE**  
LAW GROUP LLP

SUITE 225 EAST TOWER  
9100 WILSHIRE BOULEVARD  
BEVERLY HILLS, CALIFORNIA 90212  
T 310 274 9191 F 310 274 9151  
[WWW.PIERCELAWGROUPLLP.COM](http://WWW.PIERCELAWGROUPLLP.COM)

### Disclaimer

The information you obtain in this newsletter is not, nor is it intended to be, legal advice. You should consult an attorney for advice regarding your individual situation. We invite you to contact us and welcome your calls, letters, and electronic mail. Contacting us does not create an attorney-client relationship. Please do not send any confidential information to us until such time as an attorney-client relationship has been established.

Pierce Law Group LLP, 9100 Wilshire Blvd., 225 East Tower, Beverly Hills, CA 90212

[SafeUnsubscribe™\\_david@piercelawgroupllp.com](mailto:SafeUnsubscribe™_david@piercelawgroupllp.com)

[Forward this email](#) | [Update Profile](#) | [About our service provider](#)

Sent by [lindsey@piercelawgroupllp.com](mailto:lindsey@piercelawgroupllp.com) in collaboration with

**Constant Contact** 

Try it free today