

RESOLUTION

WHEREAS, the Louisiana State Bar Association House of Delegates has the authority to create additional practice sections of the Louisiana State Bar Association it deems proper, and in furtherance of its public obligations;

WHEREAS, there is presently no section dedicated to the needs or interests of the numerous members of the Louisiana State Bar Association who practice Art Law, Entertainment Law and/or Sports Law including, but not limited to, art, museums, film, television, music, sports, athletes, artists, and other such related areas;

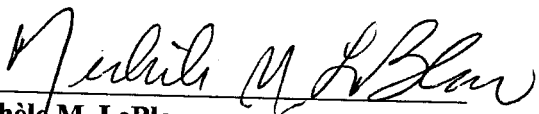
WHEREAS, there is a substantial number of potential members of an Art, Entertainment & Sports Law Louisiana Bar Association Section, which would be dedicated to promote and foster discussion, education, research, publication of legal writings and the dissemination of information regarding matters of art, entertainment, and sports legislation, activities and litigation, many of which have expressed interest in an Art, Entertainment & Sports Law Section;

WHEREAS, those members of the Louisiana State Bar Association whose names appear on the attached sheet, hereby affirm their support for the creation of an Art, Entertainment, and Sports Law Section of the Louisiana State Bar Association and urge the adoption of this Resolution and the attached By-Laws.

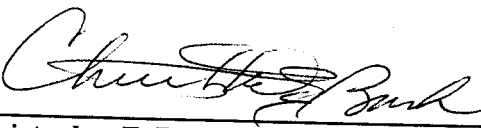
WHEREAS, THEREFORE, BE IT RESOLVED that there shall be an Art, Entertainment & Sports Law Section of the Louisiana State Bar Association, which section is to provide a forum for study and discussion of art, entertainment, and sports law issues arising under the laws of the State of Louisiana, of the United States, of other countries and of international law, to contribute to the continuing education of attorneys who practice in

this field; to disseminate information regarding recent legal decisions of the state, federal, other national and international agencies and courts relative to these areas of law; to encourage publication of legal writings on art, entertainment, and sports law questions among the members of the Association; to establish a liaison with the Louisiana State Bar Association, the American Bar Association, various industry and trade associations with legal relevance to the practice of art, entertainment, and/or sports law, and the legal academic community to achieve these purposes; and to take such actions with respect thereto as may be desirable and consistent with the Articles of Incorporation and By-Laws of this Association.

BE IT FURTHER RESOLVED that the proposed By-Laws of Law Art, Entertainment, and Sports Law Section as set forth in the attachment hereto be approved by this House and adopted by this Section.



Michèle M. LeBlanc



Christopher E. Bush

**LOUISIANA STATE BAR ASSOCIATION
BY-LAWS OF THE ART, ENTERTAINMENT & SPORTS LAW SECTION**

**ARTICLE I
NAME AND PURPOSE**

Section 1. This section shall be known as the Art, Entertainment & Sports Law Section of the Louisiana State Bar Association (hereafter, the "Association").

Section 2. The purpose of this Section is to provide a forum for study and discussion of art law, entertainment law and sports law issues arising under the laws of the State of Louisiana, of the United States and other countries, and international law; to contribute to the continuing education of the attorneys who practice in this field; to disseminate information regarding recent Art, Entertainment & Sports law decisions of state, federal and international agencies and courts; to encourage publication of legal writings on art, entertainment and sports law questions; to establish liaison relationships with the Association, and the members of the American Bar Association, as well as any art, entertainment and/or sports law associations or organizations and the legal academic community to achieve these purposes; to provide information and education to students interested in these fields; and to take such other actions with respect thereto as maybe desirable and consistent with the Articles of Incorporation and By-Laws of this Association.

**ARTICLE II
MEMBERSHIP AND DUES**

Section 1. Any member of good standing of the Louisiana State Bar Association shall, upon request to the Secretary of the Association, be enrolled as a member of the Section. Members so enrolled and whose dues are paid shall constitute the members of this Section.

Section 2. Dues for membership in this Section shall be \$25.00 per year, payable upon enrollment and thereafter annually on the same fiscal year basis as Louisiana State Bar Association dues. Members of the judiciary are especially encouraged to join the Section and shall not be obligated to pay dues.

Section 3. Any member whose annual dues shall be more than three months delinquent shall immediately cease to be a member of this Section. Only members in good standing, with dues paid, shall be eligible to vote, hold any Section office, or receive Section publications.

ARTICLE III **OFFICERS**

Section 1. The general officers of this Section shall be a Chairman, a Vice-Chairman, and a Secretary-Treasurer. The officers shall serve ex-officio as members of the Council, as described in further detail in Sub-Paragraph V.

Section 2. Each officer shall hold office for a term of two years, to begin with the adjournment of the annual meeting of the Section at which the member was elected and to end at the close of the second succeeding annual meeting of the Section, or until such time as a successor shall have been elected.

Section 3. Upon ratification of the Section By-Laws and adoption of the Resolution creating an Art, Entertainment & Sports Law Section of the membership of the Association, the first Chairman, Vice-Chairman, and Secretary-Treasurer shall be elected by a majority vote of the Charter Members of the Section, to serve for two years. Thereafter, the officers shall be elected by the Section membership in the manner hereinafter set forth.

ARTICLE IV **DUTIES OF OFFICERS**

Section 1. Chairman. The Chairman, or the Vice-Chairman in the absence of the Chairman, shall preside at all meetings of the Section and the Council. On consultation with the Council, the Chairman shall establish such committees as are deemed necessary and appoint the Chairman and members thereof, who are to hold office during the Chairman's term. The Chairman shall plan and supervise the program of the Section and the performance of all activities of the

Section. The Chairman shall keep the Council informed and carry out its decisions. The Chairman shall formulate and present a report of the work of the Section for the year at each annual meeting of the Louisiana State Bar Association, and shall perform such other acts as usually accompany the office.

Section 2. Vice-Chairman. The Vice-Chairman shall assist the Chairman, performing such tasks as shall be assigned by the Chairman. In the absence of the Chairman, or upon the death, resignation or disability of the Chairman, the Vice-Chairman shall perform the duties of the Chairman for the remainder of the term of office; provided that, in the case of disability, the Vice-Chairman shall act only during the pendency of the disability.

Section 3. Secretary-Treasurer. The Secretary-Treasurer shall be the custodian of all books, papers, documents and other property of the Section, and shall keep a true record of the proceedings of all meetings of the Section and of the Council, whether assembled or acting under submission. With the Chairman, the Secretary-Treasurer shall prepare a summary or digest of the proceedings of the Section at its annual meeting for publication in the Annual Report of the Louisiana State Bar Association. The Secretary-Treasurer, in conjunction with the Chairman as authorized by the Council, shall attend generally to the business of the Section.

Section 4. The Secretary-Treasurer shall sign any application for and execute any bond as may be requested by an officer of the Section and/or member of the Council pursuant to any resolution duly adopted for any bond for the purpose of protecting the monies of the Section. Any cost or premium for such bond, however shall not be borne by the officer, but shall be an expense paid from the funds of the Section.

ARTICLE V

THE COUNCIL

Section 1. The Council of the Section shall be composed of the officers, three members of the Section elected by Section membership, and the retiring Chairman, who shall be a member for

two years following retirement.

Section 2. The Council shall have general duties and control as necessary for the administration of the affairs of the Section subject to the provisions of the Constitution and By-Laws of the Louisiana State Bar Association and the By-Laws of this Section.

Section 3. The Council of the Section is authorized to take action in the name of the Section during intervals between meetings of the Section. All binding action of the Council shall be by majority vote of the whole Council.

Section 4. The Council, during the interim between annual meetings of the Section may, with the concurrence of the Chairman, fill vacancies in its own membership or in the offices of the Vice-Chairman or Secretary-Treasurer and, in the event of vacancies in the offices of both Chairman and Vice-Chairman, then also in the office of Chairman. Members of the Council and officers so elected shall serve until the close of the next annual meeting of the Section.

Section 5. Members of the Council shall vote in person when present at a meeting of the Council. When members contemplate absence, they may communicate their vote, in advance and in writing (i.e., fax or letter) over their respective signatures on any proposition, to the Secretary-Treasurer and have it counted with the same effect as if cast personally at such meeting.

Section 6. The Chairman of the Section may submit, or cause to be submitted, in writing to each of the members of the Council any proposition upon which the Council may be authorized to act, and the members of the Council may vote such propositions as submitted, by communicating their vote thereon, in writing over their respective signatures, to the Secretary-Treasurer, who shall record upon the minutes each proposition so submitted, and the vote of each member of the Council thereon, and keep on file such written and signed votes. If the votes of a majority of the members of the Council so recorded shall be in favor of such a proposition, or if such majority shall be against such proposition, such majority vote shall constitute the binding action of the Council. The Council of the Section may take action in the name of the Section whenever proposals are brought before the

Council for an expression of views and recommendations to the Board of Governors of the Association.

Section 7. The President of the Louisiana State Bar Association shall appoint three members of the Section to serve on the first Council. Such members shall be selected by the President from a slate of six names furnished to the President by the officers of the Section. One member shall be appointed to serve on the Council for one year, one member to serve on the Council for two years and one member to serve on the Council for three years. At the expiration of each initial term, one member of the Council shall be elected in the manner hereinafter set forth to serve a term of three years. Each term will begin with the adjournment of the annual meeting at which the member was elected and will end at the close of the three succeeding annual meeting of the Section.

ARTICLE VII

ELECTION OF OFFICERS AND COUNCIL

Section 1. Annually, the Chairman shall appoint a Nominating Committee of three members of the Council. This Committee shall make and report one nomination for each office and Council position which is to be filled by election in that year, identifying each nominee and including a brief statement of the activities undertaken by the nominee, both in the Section and in the legal profession, in general. Upon receipt of the Committee report, the Chairman of the Section shall have it published to Section members prior to the Annual Meeting. Additional nominations may be made prior to the meeting by means of a petition signed by not less than ten members of the Section.

Section 2. Ballots in such form as determined by the Section Council shall be placed in the mail to all members of the Section. Each mailing shall contain the names of all nominees and shall be accompanied by a brief biographical statement of each nominee. Each mailing shall include an envelope addressed to the Secretary-Treasurer of the Section and identified on the outside as member's ballot. The Section Council, in cooperation with the Chairman, shall prescribe the method

and timing of mailing and return of these ballots to ensure the receipt of all valid votes by noon on the opening day of the annual meeting. Election shall be by plurality of the votes cast by mail.

ARTICLE VIII **MEETINGS**

Section 1. The annual meeting of the Section shall be held during the annual meeting of the Louisiana State Bar Association, with such program and order of business as may be arranged by the Council. Members may participate in the annual meeting in person, by proxy, by telephonic communication, email and/or other means of participation.

Section 2. Special meetings of the Section may be called by the Chairman upon approval of the Council, at such time and place as the Council and Chairman may determine.

Section 3. The members of the Section present at any meeting, in person or via written proxy over their respective signatures, shall constitute a quorum for the transaction of business, and the Section shall be bound by a majority vote of the members present at such meeting.

Section 4. Any meeting may be held via telephone conference, videoconferencing or other form of communication whereby any and all members may participate, should they so choose, in such meeting.

ARTICLE IX **MISCELLANEOUS PROVISIONS**

Section 1. The fiscal year of the Section shall be the same as that of the Louisiana State Bar Association.

Section 2. All bills incurred by the Section shall, before being paid, be approved by the Chairman or Vice-Chairman and the Secretary-Treasurer, or otherwise as the Council may direct, and checks for all disbursements shall be signed by the Secretary-Treasurer or such other officer as the Council may authorize, except as to funds appropriated by the Board of Governors, which shall be disbursed only by the proper officers of the Louisiana State Bar Association on bills approved by

the Council.

Section 3. No salary or compensation shall be paid to any officer, committee, or Council member.

Section 4. These By-Laws shall become effective immediately upon approval thereof, as required by the Articles and By-Laws of the Louisiana State Bar Association.

Section 5. All printing for the Section or for the Council or any committee of the Section shall be done under the supervision of the Executive Council of the Louisiana State Bar Association.

Section 6. The officers shall have the right to determine an entry fee, if any, for attendance at any function of the Section, other than meetings, special meetings or the annual meeting. Said fee may be waived for Section members, and a higher fee may be charged for non-members to attend, and a lower fee, if any, may be charged for students to attend.

Section 7. Any communications required under these By-Laws between members may be made via fax, email, or letter, except as otherwise stated herein.

ARTICLE X **AMENDMENTS**

Section 1. These By-Laws may be amended at any annual meeting of the Section by a majority vote of the members of the Section present and voting, provided such proposed amendment shall first have been approved by a majority of the Council, and provided further that no amendment so adopted shall become effective until approved by the Board of Governors of the Louisiana State Bar Association.

Section 2. The Council may propose amendments by majority vote of the Council. Amendments may also be proposed by submission in writing to the Council in the form of a petition signed by at least two-thirds of the members of the Section in time for it to be considered by the Council at its last regular meeting before the annual meeting of the Section at which it is to be voted upon. The Council shall consider the proposed amendment at said regular meeting and shall prepare

recommendations thereon. The recommendations, together with a complete and accurate text of said proposed amendment, shall be disseminated to the members of the Section by the Secretary-Treasurer prior to the annual meeting of the Section at which they will be voted upon.

Approved by resolution on the _____ day of _____, 2004

BY: _____

**MEMBERS OF THE LOUISIANA STATE BAR ASSOCIATION INTERESTED IN THE
FORMATION OF AN ART, ENTERTAINMENT, AND SPORTS LAW SECTION**

John Baker

Grace H. Barry

J. William Becknell

William P. Bryan, III

Christopher E. Bush

Ross Brupbacher

June Denlinger

Evan Fogelman

Michele LeBlanc

Michael A. Mayhall

Oscar Schoenfelt

**Louisiana State Bar Association
Art, Entertainment & Sports Law Section**

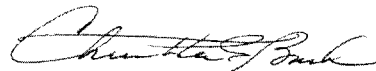
WHEREAS, the annual dues for participation in the Art, Entertainment & Sports Law Section is set at \$25;

WHEREAS, the section has greatly expanded the scope of its beneficial activities for its members;

WHEREAS, the section intends to further enhance its programs and activities for its members, and requires additional resources to reach these goals;

NOW, THEREFORE, BE IT RESOLVED, that the annual dues for participation in the Art, Entertainment & Sports Law Section be increased from \$25 to \$27.50 per year effective July 1, 2005.

Respectfully submitted,



Art, Entertainment & Sports Law Section
Christopher E. Bush, Chair