NUMBER OF UNITS: 12

COURSE SCHEDULE: Mondays, 6:00 - 8:50 P.M.
Location TBD
August 31, 2015 to December 14, 2015
Course No. 93831

ADJUNCT PROFESSOR: David A. Gurwin, Esquire
Shareholder, Buchanan, Ingersoll & Rooney PC
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Pittsburgh, PA 15219
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Because I check my work e-mail more often than the CMU e-mail account, PLEASE SEND E-MAILS TO ME AT BOTH ADDRESSES so that I may reply to you promptly. Also, so that I am certain to see the e-mails in a timely fashion, in the "Subject" line of the e-mail, please type "CMU LAW & ARTS CLASS"

TEACHING ASSISTANT: Jessi Ryan
715/432-1103

OFFICE HOURS: By appointment. If a matter cannot be handled over the phone, we will set up a time to meet either before or after class.

COURSE DESCRIPTION: LAW AND THE ARTS is an investigation of specific legal rights and responsibilities (contractual and otherwise) in the arts and entertainment industries, including visual and performing arts and emerging areas such as multimedia art. The foundation for all activities in the arts is the contract. Accordingly, you will study contract law that will provide a clearer understanding of the requirements that must be met before a valid contract comes into existence. Contract interpretation and enforcement will also be addressed. In addition to contract law, we will also discuss tort law, agency law, corporate, partnership and limited liability company law, personal and real property law, labor and employment law, intellectual property law (copyrights, trademarks, trade secrets, rights of publicity, moral rights) and other laws specifically affecting the entertainment industries. Finally, typical
performing arts contracts and contractual provisions will be reviewed and the concepts discussed in other parts of the class, as applied to those contracts, will be analyzed.

**OVERALL COURSE OBJECTIVES:** The overall objective of the course is not to turn the students into lawyers; rather, the goal is to develop an overall framework for legal analysis to enable the student to recognize legal issues when they are presented in order to enable the student to react to and manage legal situations which are commonly encountered in arts organizations.

**TEXT:** Clarkson, Miller, Jentz, Cross, *West's Business Law*, 11th Ed. (West Pub., 2009)

**HANDOUTS:** You will be responsible for the information contained in any handouts distributed or posted on Blackboard to supplement the text material.

**CLASS DISCUSSIONS:** In addition to being responsible for material in the assigned readings, you will be responsible for the information contained in any class discussions. While I will not be teaching utilizing the "Socratic method" as is done in most law schools, much of our learning still will take place during these discussions. Much of our time in class will be spent discussing legal cases that illustrate the particular area of the law being covered. Please plan to take notes in class.

**POLICIES:**

a. No make-up or early exams/quizzes will be administered without my approval.

b. Late work will absolutely **NOT** be accepted without my authorization.

**GRADING:**

- Quizzes ................................................................. 10%
- Midterm Examination ........................................... 40%
- Final Examination ................................................ 40%
- Class Attendance and Participation .................... 10%
- **TOTAL** 100%

**Grading Scale:**

<table>
<thead>
<tr>
<th>Numerical Average (after curve, if applicable)</th>
<th>Grade</th>
<th>Interpretation</th>
<th>Points</th>
<th>Credit Toward Graduation</th>
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<tbody>
<tr>
<td>97-100</td>
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<td>4.33</td>
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<td>A</td>
<td>excellent</td>
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<td>3.67</td>
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<td>very poor</td>
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Numerical grades **may** be curved depending on overall class performance on quizzes, the midterm exam and the final exam. Normally, I wait until all of the scores have been calculated before applying an overall curve.
Quizzes will be unannounced and will be given periodically in class on the subject of that week's assigned reading. Quizzes, like the midterm and final, will be closed book but you may use YOUR OWN notes.

Midterm and Final Exams will be a mixture of multiple choice, true/false, and essay questions. While we may not discuss a specific point which appears in the assigned readings in class, you still will be responsible for all matters in the assigned readings.

You will not be allowed to bring your textbook for use on the Midterm or Final Exam; however, you will be permitted to bring YOUR OWN notes to those exams. (I will explain this further in detail prior to the Midterm.) Along with your exam, you would be required to turn in your notes. Once your exam has been graded, I will return your notes to you.

Because classroom discussion is so important to the learning process, you will be graded on attendance and classroom participation. In order to be considered as having attended a class, you must attend the ENTIRE class unless I have given you permission to leave early. In certain circumstances, I may excuse an absence (such as for medical reasons or to enable you to attend a program that is directly related to your education or potential job, but NOT including concert attendance) if you advise me in advance that you will not be able to attend a class. My decision on whether or not an absence will be excused will be final.

CARNEGIE MELLON UNIVERSITY
POLICY ON CHEATING AND PLAGIARISM
(from the University's website at http://www.cmu.edu/policies/documents/Cheating.html)

Students at Carnegie Mellon University are engaged in preparation for professional activity of the highest standards. Each profession constrains its members with both ethical responsibilities and disciplinary limits. To assure the validity of the learning experience, a university establishes clear standards for student work.

In any presentation, creative, artistic, or research, it is the ethical responsibility of each student to identify the conceptual sources of the work submitted. Failure to do so is dishonest and is the basis for a charge of cheating or plagiarism, which is subject to disciplinary action.

Cheating includes but is not necessarily limited to:

1. Plagiarism, explained below.
2. Submission of work that is not the student's own for papers, assignments, or exams.
3. Submission or use of falsified data.
4. Theft of or unauthorized access to an exam.
5. Use of an alternative, stand-in, or proxy during an examination.
6. Use of unauthorized material including textbooks, notes, or computer programs in the preparation of an assignment or during an examination.
7. Supplying or communicating in any way unauthorized information to another student for the preparation of an assignment or during an examination.
8. Collaboration in the preparation of an assignment. Unless specifically permitted or required by the instructor, collaboration will usually be viewed by the University as cheating. Each student, therefore, is responsible for understanding the policies of the department offering any course as they refer to the amount of help and collaboration permitted in preparation of assignments.
9. Submission of the same work for credit in two courses without obtaining the permission of the instructors beforehand.

Plagiarism includes, but is not limited to, failure to indicate the source with quotation marks or footnotes where appropriate if any of the following are reproduced in the work submitted by a student:

1. A phrase, written or musical.
2. A graphic element.
3. A proof.
4. Specific language.
5. An idea derived from the work, published or unpublished, of another person.

IF YOU ARE CAUGHT CHEATING ON A POP QUIZ OR AN EXAM, YOU WILL RECEIVE A ZERO ON THE QUIZ OR EXAM AND YOU WILL NOT BE PERMITTED TO RETAKE IT. IF ANOTHER INSTANCE OF CHEATING OCCURS, YOU WILL RECEIVE A FAILING GRADE FOR THE COURSE.

OTHER CLASSROOM POLICIES:

1. The use during class of laptops, cell phones, PDAs, BlackBerrys, iPods, MP3 players and similar devices is prohibited unless specifically authorized by me. You may use those devices during break periods in the class. This is not meant to deprive you of the ability to take notes; rather, it is meant to keep the focus on my lectures and to encourage active and meaningful participation in discussions without the distractions caused by those devices. In fact, one of the things I would like for the class to learn how to do is to take hand notes in a setting such as this and to distill information from those notes.

2. Food and beverages are permitted in class (due to the time the class is to take place); however, please be respectful of others with regard to noise and food odors.

3. Please be on time and ready to learn right at 6:00 pm.

4. Please participate in the discussion, ask questions (there really are not any dumb questions), and share ideas, but be respectful of your instructor and fellow classmates. Vigorous debate is fine and is often the most valuable way to learn; rude behavior is not.
WEEKLY SCHEDULE

PLEASE NOTE THAT ASSIGNED READINGS MAY BE SUBJECT TO CHANGE. I WILL GIVE YOU AMPLE NOTICE OF ANY SUCH CHANGE BY POSTING THEM TO BLACKBOARD AND SENDING E-MAILS TO YOU.

WEEK ONE - 8/31/15

**** Assignments to be completed in preparation for Week One:

1. Please bring a large Note Card and write first and last name in Sharpie (to help me learn your names) as well as pronunciation (if not obvious). Please place these "name tags" on your desktop until I learn all of your names. Please keep doing so in the following weeks until I tell you it is no longer necessary. THANK YOU FOR THIS!

2. Read West's Business Law, Unit One – The Legal Environment of Business, Chapter 1, pages 1-29, Chapter 2, pages 30-41, and Unit Three – Contracts and E-Contracts, Chapters 10 and 11, pages 216-249

Introduction to the Course and Instructor
American Law Basics
Contracts
   Nature and Terminology (Chapter 10)
   Agreement (Chapter 11)

Weekly Objectives: Understand the rules that will govern the class; understand the basic structure of how laws are enacted and enforced in the United States; understand basic contract terminology and the critical contract law concept of "agreement."

**** Assignment to be completed in preparation for Week Three: Read West's Business Law, Unit Three - Contracts and E-Contracts, Chapters 12 and 13, pages 250-285

WEEK TWO - 9/7/15

LABOR DAY – NO CLASS

WEEK THREE - 9/14/15

Contracts (continued)
   Consideration (Chapter 12)
   Capacity and Legality (Chapter 13)

Weekly Objectives: Understand the critical contract law concept of "consideration" and the notion of contractual capacity and legality.

**** Assignment to be completed in preparation for Week Four: Read West's Business Law, Unit Three - Contracts and E-Contracts, Chapters 14, 15, and 16, pages 286-336
WEEK FOUR - 9/21/15

Contracts (continued)
  Mistakes, Fraud and Voluntary Consent (Chapter 14)
  Statute of Frauds (Chapter 15)
  Third Party Rights (Chapter 16)

Weekly Objective: Understand various exceptions to the enforceability of contracts and be able to distinguish between those exceptions; understand that certain contracts must be in writing to be enforceable; understand rights of parties who are not actual signatories to a contract.

**** Assignment to be completed in preparation for Week Five: Read West's Business Law, Unit Three - Contracts and E-Contracts, Chapters 17, 18, and 19, pages 337-390; read Federal E-SIGN Law (handout or distributed electronically)

WEEK FIVE - 9/28/15

Contracts (continued)
  Performance and Discharge (Chapter 17)
  Breach of Contract and Remedies (Chapter 18)
  Electronic Contracts and E-Signatures (Chapter 19)

Weekly Objectives: Understand and be able to determine when a contract's obligations have been fulfilled; understand the concept of breach of contract and the various remedies available in the event of a breach; obtain a working understanding of the role of electronic contracts and the impact and enforceability of electronic signatures.

**** Assignment to be completed in preparation for Week Six: Read West's Business Law, Unit Two – Torts and Crimes, Chapter 6, pages 121-143

WEEK SIX – 10/5/15

Tort Law
  Tort Law versus Criminal Law
  Kinds of Torts
  Intentional Torts (Chapter 6)
    Wrongs against the Person
    Wrongs against Property

Weekly Objective: Understand the differences between tort law and criminal law; be able to recognize the differences between intentional and unintentional torts; develop a basic understanding of certain types of intentional torts.

**** Assignment to be completed in preparation for Week Seven: Read West's Business Law, Unit Two – Torts and Crimes, Chapter 7, pages 144-156
WEEK SEVEN – 10/12/15
Tort Law (continued)
Unintentional Torts
Negligence and Strict Liability (Chapter 7)
Weekly Objective: Understand the concept of negligence and be able to distinguish it from strict liability in tort law.
**** Assignment to be completed in preparation for Week Eight: Study for Midterm Exam

WEEK EIGHT - 10/19/15
MIDTERM EXAM
THE MIDTERM WILL COVER ALL MATERIALS FROM WEEKS ONE THROUGH SEVEN
**** Assignment to be completed in preparation for Week Nine: Read West's Business Law, Unit Seven - Agency and Employment, Chapter 31 and 32, pages 638-672

WEEK NINE - 10/26/15
Agency Law
Agency Formation and Duties (Chapter 31)
Agency: Liability to Third Parties and Termination (Chapter 32)
Weekly Objectives: Understand basic concepts of agency law, including the various types of agency; be able to understand how an agency relationship is formed and the duties owed depending on the nature of the agency relationship; understand how an agent can bind a principal and explain how an agency relationship can be terminated.
**** Assignment to be completed in preparation for Week Ten: Read West's Business Law, Unit Ten – Property, Chapter 47, pages 959-979

WEEK TEN - 11/2/15
Personal Property
The Nature of Property and Personalty
Personal Property and Bailments (Chapter 47)
Weekly Objective: Understand the concept of personal property (as opposed to real property) and bailments of personal property.
**** Assignment to be completed in preparation for Week Eleven: Read West's Business Law, Unit Ten - Property, Chapter 48, pages 980-1006

WEEK ELEVEN - 11/9/15
Real Property
Real Property Basics and Landlord-Tenant Relationships (Chapter 48)
Weekly Objective: Understand the basics of real property law, including landlord-tenant law.
**** Assignment to be completed in preparation for Week Twelve: Read West's Business Law, Unit Two – Torts and Crimes, Chapter 8, pages 157-183; print out copy of posted IP Rights Comparison Chart

**WEEK TWELVE - 11/16/15**

Intellectual Property Law

Comparison of Various Types of IP

Works Made for Hire

Weekly Objective: Understand basic intellectual property terminology and differences between patents, trademarks, copyrights and trade secrets.

**** Assignment to be completed in preparation for Week Thirteen: read handout posted on Blackboard regarding Other Rights Affecting Visual Arts; scan sample entertainment industry contracts that I post on BlackBoard (you will NOT need to know any specifics of any of those contracts)

**WEEK THIRTEEN - 11/23/15**

Intellectual Property Law (continued)

Other "IP-Like" Laws Affecting Visual Arts

Entertainment Industry Contracts

Typical Contracts

Typical Provisions

Weekly Objective: Understand the concepts of "fair use" and the "work for hire" doctrine in copyright law; understand rights of publicity and other IP rights affecting the visual arts and be able to apply the analysis of the fair use doctrine to specific examples; see how the various legal concepts studied in the course are applied and reflected in various types of contracts used in the entertainment industries.

**** Assignment to be completed in preparation for Week Fourteen: Read West's Business Law; Unit Eight - Business Organizations, Chapters 35 and 36, pages 724-758.

**WEEK FOURTEEN - 11/30/15**

Business Organizations

Sole Proprietorships (Chapter 35)

Partnerships (Chapter 36)

Weekly Objective: Understand the basics of the sole proprietorship and the partnership, including control, liability, structure and tax consequences of each and be able to recognize the advantages and disadvantages of each form of entity.

**** Assignment to be completed in preparation for Week Fifteen: Read West's Business Law; Unit Eight - Business Organizations, Chapters 37, 38, 39, and 40, pages 759-835 and pages 853-861 (Governance).
WEEK FIFTEEN - 12/7/15

Business Organizations
   LLCs (Limited Liability Companies) (Chapter 37)
   Corporations and Corporate Governance

Weekly Objective: Understand the basics of the corporate and limited liability entity, including control, liability, structure and tax consequences of each and be able to recognize the advantages and disadvantages of each form of entity.

**** Assignment to be completed in preparation for Week Sixteen - Study for Final Exam

WEEK SIXTEEN - 12/14/15

FINAL EXAMINATION - Tentative Date December 14, 2015 (date will be set by CMU)

Date, Time, and Location to be determined

THE FINAL EXAMINATION WILL COVER ALL MATERIALS FROM WEEKS TEN THROUGH FIFTEEN