



A film still from 'Farewell Amor'

FILMMAKERS LEGAL CLINIC
AT THE CENTER FOR VISUAL ADVOCACY

2020 Annual Report



CARDOZO
Benjamin N. Cardozo School of Law

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Letter From the Director

Dear Friends and Colleagues,

This was a transformative year at The Filmmakers Legal Clinic (FLC). As the pandemic raged early in our home of New York City, filmmakers dropped their cameras and bunkered down. But these filmmakers and producers quickly realized that this time without filming could be well spent tackling their legal issues—and the clinic saw an exponential increase in demand. In time, the ever-resilient filmmakers soon began picking up their cameras again—as crisis so often begets creativity. Last summer, independent filmmakers returned to work, spurred by the mass protests against police brutality and the looming election to amplify untold stories. The clinic stayed right there with them—engaging more students during the semesters and through the summer than ever before.

But 2020 was about more than crisis and resilience. It was also about growth and change—and thoughtful prioritization. We felt it was time to make clear our priorities and solidify an undercurrent that has been running through the clinic for years. We are more than a free legal resource for independent filmmakers. We are steadfast supporters of visual advocacy—encouraging social justice via film and visual media. The films we take on tell untold stories. They represent the underrepresented, and they aim to change both minds and hearts. Our clients are diverse filmmakers passionate about telling these stories. We reflected on the work we do for these filmmakers and films—educational events, community film series, legal trainings, and empowerment sessions. We wanted to grow and amplify that work, so a refined identity was born.

Our first annual report therefore comes at an opportune time. We are excited to announce and introduce the Center for Visual Advocacy (CVA) and highlight some of the important work done by our student lawyers at the re-named and re-focused FLC.

The Center for Visual Advocacy occupies the space at the intersection of law, film, and social justice. With visual media nearly ubiquitous and calls for social justice reverberating loudly, this area is of vital importance—and growing. The Center for Visual Advocacy at Cardozo School of Law aims to be at the center of this developing field. The CVA's mission is to advance visual advocacy by amplifying under-told stories and by educating and empowering the filmmakers getting these stories told.

The Center for Visual Advocacy is now the home of the FLC, where students continue the crucial work of providing thoughtful individual legal representation to our clients. The clinic remains a vital resource for New York filmmakers. We are the only law school clinic on the East Coast providing free transactional, intellectual property and First Amendment legal services to independent filmmakers—an invaluable service to creatives and journalists in need of legal expertise who are wrestling with tight budgets. Cardozo School of Law

has retained its leadership position, with its Intellectual Property program ranked 12th in the nation by *U.S. News & World Report*. FLC is staffed by Cardozo students, who gain intensive transactional legal training and hands-on experiences that allow them to mature into thoughtful, creative, responsive, and prepared social justice lawyers. Some students have experience with filmmaking, and they enjoy connecting with clients and pursuing their passion for film. All students engage with the creative business of making and distributing a film, gaining valuable legal experience along the way.

In a world increasingly divided, we believe in the power of visual advocacy to unite. At the CVA, we continue to provide meaningful resources for creatives doing this important work. At the FLC, we continue to lower the legal hurdles facing these independent filmmakers. In doing so, we aim to get important stories told and train the next generation of legal advocates for visual advocacy.

Thank you for your support and interest in our mission and work.

Michelle Greenberg-Kobrin

Clinical Associate Professor of Law and Director of the Filmmakers Legal Clinic

Director, Center for Visual Advocacy

Senior Heyman Fellow and Director of the Leadership Program

The Filmmakers Legal Clinic represents filmmakers and video journalists whose work focuses on the pursuit of social justice.

About Us

The Filmmakers Legal Clinic (FLC), formerly known as the Indie Film Clinic, provides free transactional, intellectual property and First Amendment legal services to visual advocates, filmmakers and video journalists working to move the social justice needle and diversify the stories that are told through media.

We help filmmakers navigate contractual, legal, and business issues so that their important films can be made and distributed. To empower creators, the FLC provides individual client representation, educational services, “know your rights” trainings for community partners, and pop-up legal clinics.



A film still from 'Farewell Amor'

Drawing on the strengths of Cardozo's Intellectual Property and Information Law Program, one of the highest-ranked programs in the country, the FLC was established to aid independent filmmakers in New York City. To date, Cardozo students in the clinic have represented hundreds of films, many of which have gone on to appear in leading U.S. and international film festivals, including Cannes, Sundance, SXSW, the Tribeca Film Festival, the Los Angeles Film Festival, Hot Docs, and DOC NYC. Under the leadership of Professor Michelle Greenberg-Kobrin, the clinic's focus has shifted more prominently toward social justice projects, with a particular focus on diversifying the industry and the stories being told, making its home at the Center for Visual Advocacy a perfect fit.

The FLC provides an invaluable service to its clients, who are wrestling with complex legal hurdles and minimal resources. We work to shed light and focus on a diverse range of some of today's most pressing issues. In the past year, recent projects have focused on transgender rights, police brutality, a broad range of immigration-related issues, the role of media in truth-telling, child sexual abuse in the Boy Scouts, climate justice, federal failures in Puerto Rico during Hurricane Maria and prisoners' rights.

The FLC is staffed by students and provides high-level legal training to students in the Filmmakers Legal Clinic and the Advanced Filmmakers Legal Clinic. Students learn skills essential to become excellent deal makers and wise counselors who incorporate disparate elements into larger transactions. The FLC produces lawyers who can bring people together and create situations that benefit all parties. The work of the clinic is an amalgam of several areas of the law—intellectual property law, transactional law, First Amendment law, contract drafting, negotiation, and employment law. In each of these areas, Cardozo offers students a depth of resources.

The FLC has benefited from the support of its partners, including the Laurie M. Tisch Illumination Fund, The Legal Clinic Fund, the Miranda Family Fund, and alumni. Support from the Laurie M. Tisch Illumination Fund has led to the exponential growth of the clinic. The Legal Clinic Fund is a collaborative fund that supports the growth and sustainability of legal clinics across the United States seeking to advance and defend First Amendment rights, media freedom, and transparency in their communities and nationally. The fund is generously supported by The Abrams Foundation, Democracy Fund, Heising-Simons Foundation, and The Klarman Family Foundation. The Miami Foundation serves as fiscal sponsor for the fund. The Miranda Family Fund focuses on creating opportunities for artists of color, promoting diverse representation in all levels of government, increasing and protecting reproductive rights, and building resilient systems in Puerto Rico.

The Center for Visual Advocacy

The Center for Visual Advocacy (CVA) at Cardozo School of Law sits at the intersection of law, film, and social justice. With visual media nearly ubiquitous and calls for social justice reverberating loudly, this growing area is of vital importance. The CVA aims to be at the center of this developing field. The CVA's mission is to advance visual advocacy by amplifying under-told stories and by educating and empowering the filmmakers who tell them.

STRATEGY FOR IMPACT

At the Center for Visual Advocacy, we believe in the power of visual media to effect social change. Therefore, we provide free legal services through the Filmmakers Legal Clinic, work with community partners to provide trainings and resources to empower creators, and collaborate with our clients, festivals and partners to promote works that highlight social issues and underrepresented communities. We aim to distribute these works to a broad audience by working with community organizations, educational institutions, film festivals, and other partners.



The Filmmakers Legal Clinic at the CVA

The cost of making a film has plummeted as technologies have advanced. Cameras are not only very mobile but also are embedded in nearly all our devices. With these financial hurdles removed, filmmaking has been opened to many whose stories have largely gone untold. The excitement in the space is contagious. A new generation of filmmakers wants to tell stories about our country's diversity. These filmmakers want to represent people with disruptive views, people with challenging backstories, and people outside the mainstream consciousness. These filmmakers want to represent themselves.

But the legal costs of filmmaking have not decreased. Arguably, the legal hurdles have risen. These filmmakers not only have to worry about First Amendment issues, but they also have to navigate the minefield of copyright law in a world of endless images. Beyond that, these filmmakers need to raise funds, which could implicate securities laws or require detailed agreements with investors, and they will enter into contracts with all those working on or appearing in the film. Questions of releases, licenses and permission require a broad range of legal knowledge. With these challenges, creating a legal entity as a production company becomes even more important—presenting yet another legal issue.

At the Filmmakers Legal Clinic, we do not want these important stories to get lost in the quagmire of legal issues. Therefore, we aim to bring down the legal costs of filmmaking so that the door can be thrown wide open for many stories to make their way to the screen.



A film still from 'Farewell Amor'



Professor Michelle Greenberg-Kobrin and FLC students provided legal guidance to filmmakers at the Sundance Institute Virtual Pop-Up Legal Clinic in December 2020.

2019–2020 Highlights

FLC served 38 clients in the 2019-20 academic year, bringing the total number of filmmakers represented to over 206. The clinic worked on approximately 31 projects. Of these projects, approximately 67% were directed or produced by filmmakers from diverse communities traditionally underrepresented in the industry.

Trans In America Wins Emmy

Trans in America: Texas Strong, the story of a 6-year-old transgender girl in Texas, won the Emmy for Outstanding Short Documentary in 2019. The project had been in the clinic for a few semesters and provided students with a wide range of legal issues to tackle, including E&O insurance, fair use, and contract drafting.

Farewell Amor Wins 2020 Sundance Institute Producer's Award

On behalf of producer Huriyyah Muhammad, FLC client *Farewell Amor* picked up the Producer's Award at the 2020 Sundance Film Festival. In addition, *Farewell Amor* sold the North American film rights to IFC Films. *Farewell Amor* tells the story of a man named Walter who is reunited with his family in New York City after being exiled from his home in Angola for 17 years. Clinic students formed an LLC and drafted various agreements.

The Boxers of Brule Shown at Big Sky Documentary Film Festival

FLC client Jessie Adler and her film *The Boxers of Brule* debuted at the Big Sky Documentary Film Festival in Missoula, Montana on Feb. 18, 2019. *The Boxers of Brule* tells the story of Shaionna and her girls boxing team on the Lower Brule Sioux Reservation. Clinic students drafted agreements, formed an LLC, and advised on distribution and licensing.

NYC Women Filmmakers Workshop: Legal Basics Every Filmmaker Should Know

The FLC presented to NYC Women Filmmakers (NYCWF) about a variety of legal issues, including entity formation, copyright law, and negotiations. NYCWF advocates for inclusion and magnification of underrepresented filmmakers, and leadership members include clinic clients.

Miranda Family Foundation 2020 Virtual Summit

Professor Michelle Greenberg-Kobrin spoke on a panel on "Understanding the Business," reflecting on submission agreements, contracts and copyright issues to the 2019 and 2020 Miranda Family Foundation Fellows.

Collaboration With Ghetto Film School

Clinic students held trainings in person and virtually with Ghetto Film School. Ghetto Film School works with young urban filmmakers, from high school and beyond, and teaches them the skills of filmmaking and digital media as a way to provide support, education, career opportunities, and advancement for urban youth and diverse filmmakers.

NYU Production Lab Partnership

FLC and NYU Production Lab have formed a productive partnership. Students in the FLC's advanced clinic provided monthly legal training at NYU Production Lab. Moreover, clinic students provided legal analysis and advice to filmmakers in a pop-up legal clinic in December 2020.

Sundance Institute Pop-Up Legal Clinic

FLC students met with groups of Sundance Institute Fellows from the documentary and fiction programs to provide legal guidance on their projects.

Recent Film Projects

Scout's Honor

Scout's Honor is a documentary that tells the story of a victim of a lifetime of sexual abuse at the hands of a Boy Scout leader. The film examines a culture of abuse and cover-up on the part of a particular local division of the Boy Scouts, the victim's search for justice, and the impact of abuse on children and adults. FLC took on this film just prior to the filing of a national lawsuit related to abuse in the Boy Scouts of America.

Special

Special is a documentary that follows three American athletes during their time competing in the Special Olympics. The main protagonist is autistic, and the film explores society's understanding of mental and physical ability and the strength and inspiration of those who strive for greatness despite setbacks.

The Often Forgotten

The Often Forgotten tells the story of boys and men who are victims of sex trafficking and the global attempts to thwart these traffickers, as well as the political and economic forces that protect them.





Miles to Go Before She Sleeps

Miles to Go Before She Sleeps is a full-length documentary following a Chinese activist and her quest to combat the dog meat industry in China. Clinic students completed a fair use analysis and edited the project's LLC operating agreement.

Still Our BEDSTUY(C)

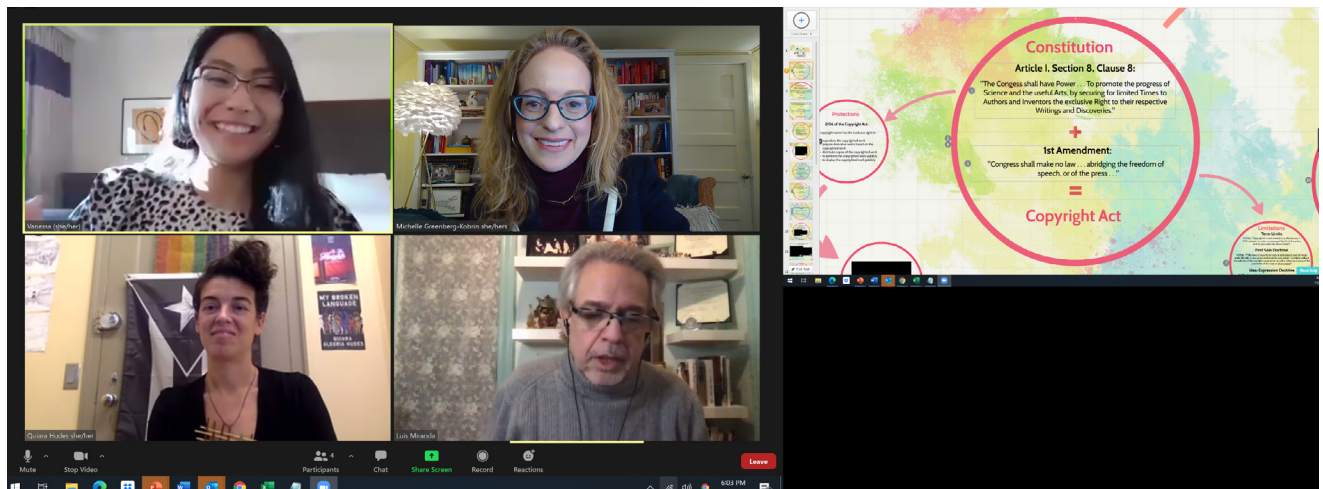
Still Our BEDSTUY(C) is a full-length documentary following the lives of three artists living in the Bedford-Stuyvesant neighborhood of Brooklyn, New York. Students edited appearance releases for individuals shown in the film and completed a full fair use analysis of third-party copyrights and trademarks, third-party music, and appearance-related issues.

Experiential Learning And Clinical Practice During COVID-19

The COVID-19 pandemic presented significant challenges to the clinic's clients. The filmmakers, journalists, film festivals and organizations the clinic represents found it difficult to move forward with programming and filming. Cardozo transitioned to remote learning in early March, and Professor Michelle Greenberg-Kobrin and the clinic students quickly adjusted.

Our work with clients and partners grew exponentially, as many of our community partners turned to the clinic to support their communities and provide programming and legal assistance as a way to keep filmmakers working. The clinic students were already adept at collaborating remotely, as many of our clients frequently travel. Many of our clients experienced issues with funding and postponed or canceled film festivals, and our clinic stepped in.

The FLC saw an uptick in demand during the pandemic. When filming shut down, filmmakers took advantage of the extra time to get their legal affairs in order. Further, community partners and film festivals, in an attempt to keep their programming available and constituents engaged, requested more training and support through the summer. The national racial justice movement also saw an explosion in documentary filmmaking and video journalism, as well as the attendant legal issues—transactional, intellectual property, and First Amendment. Summer work was reduced to just several weeks and despite an increase in work, the clinic students took on a full caseload and the number of students in the advanced clinic doubled. FLC maintained this momentum through the fall semester.



Miranda Family Fellowship 2020 Virtual Summit panel with playwright Quiara Alegría Hudes, WME agent Emma Feiwei, Luis Miranda and Michelle Greenberg-Kobrin.

Film Profile: 'Marisol'

Marisol tells the story of the film's title character and her young daughter as they try to make their way in New York City. While borrowing a friend's car to take fares on a ride-sharing app, one of Marisol's passengers accuses her of being undocumented. What follows is Marisol's worst nightmare. The film was inspired by a nightmare that writer and actor Tim Eliot had of a dystopian future where not having his "papers" could lead him into serious trouble. When Eliot woke up, he was relieved that this was not his reality but quickly realized that his nightmare was a "subconscious expression of my fears for my neighbors, friends, teammates, acquaintances, and more." In many ways, it was their reality. By writing *Marisol*, Eliot hopes viewers will connect with the characters and reconsider political narratives around immigration. Zoé Salicrup Junco, director and associate producer, hopes the film encourages empathy among viewers: "You don't need to be an immigrant to understand what immigrants go through. We have all experienced a sense of displacement."

The film premiered at the San Diego Latino Film Festival in 2019 and has since been shown at festivals across the world, including the Visionsi Corte International Film Festival in Gaeta, Italy, the Red Carpet Human Rights Film Festival in Gaza, and the Festival de Largos y Cortos de Santiago in Santiago, Chile. The *HuffPost* gave *Marisol* an Impact Award, and the film won Best Short U.S. at the Downtown Urban Arts Festival. The film is streaming on HBO.

The filmmakers reached out to FLC after receiving the offer from HBO. Clinic students assisted the team with the negotiations. Describing the student lawyers, Eliot said, "They understood that we had limited experience with licensing films and needed plenty of things explained to us. And they expressed a genuine belief in the film and its message, which meant we always felt like a team working toward a common goal."



A film still from
'Marisol'

Leadership

Michelle Greenberg-Kobrin

Clinical Associate Professor of Law and Director of the Filmmakers Legal Clinic

Director, Center for Visual Advocacy

Senior Heyman Fellow and Director of the Leadership Program

Michelle Greenberg-Kobrin is a Clinical Professor of Law at Cardozo Law School, where she teaches and directs the Filmmakers Legal Clinic, which provides pro bono legal services to filmmakers and video journalists as well as training on legal issues to filmmakers in the United States and around the world. She is also the director of the Center for Visual Advocacy, which serves as a hub for activists, artists, academics and professionals seeking to harness the power of visual advocacy to move the social justice needle.

She is also the founding director of the Program on Leadership at the Heyman Center for Corporate Governance. Previously, Professor Greenberg-Kobrin served as dean of students and lecturer-in-law at Columbia Law School. She teaches in the areas of intellectual property, transactional law, corporations, negotiation, and leadership. As a leading film lawyer, Professor Greenberg-Kobrin has lectured at film festivals around the world on issues related to copyright, production, distribution and licensing.

Haley Sylvester

Clinical Fellow at the Filmmakers Legal Clinic

Haley Sylvester is the Clinical Fellow at Cardozo Law School's Filmmakers Legal Clinic. Before joining FLC, she served as counsel to then-Commissioner Robert J. Jackson Jr. at the U.S. Securities and Exchange Commission and then became a research fellow at the NYU School of Law's Institute for Corporate Governance & Finance. Before joining the SEC, she served as law clerk to the Honorable Pierre N. Leval on the U.S. Court of Appeals for the Second Circuit. Previously, she was an associate at the law firm Wachtell, Lipton, Rosen & Katz. She is a graduate of Vanderbilt University (B.A.), Columbia Law School (J.D.), and the London School of Economics (LL.M.). She has also studied at Sotheby's Institute of Art.

Ryan Grandeau

Senior Research Associate at Filmmakers Legal Clinic

Ryan Grandeau is an associate in the Projects & Finance group at Morrison & Foerster LLP in New York City. He is a Cardozo and FLC alumnus and was Professor Greenberg-Kobrin's teaching assistant in FLC. As a law student, Grandeau interned with the Honorable Joseph A. Greenaway on the U.S. Court of Appeals for the Third Circuit and served as a summer associate with his current employer. He received a B.A. from Tufts University.

Elizabeth Rogers

Student Fellow at the Filmmakers Legal Clinic

Elizabeth Rogers is a third-year student at Cardozo. She joined FLC in spring 2020. Prior to law school, she worked as a development associate in major gifts at Pace University and in several nonprofit fundraising roles in long-term disaster relief and recovery and environmental advocacy. She has a B.A. in economics from Skidmore College.



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