

## *Philadelphia Volunteer Lawyers for the Arts, Part 1*

Monday, February 11 at 7pm

Lantern Theater Company

*Notes taken and typed by Michelle Jacob,*

*Administrative Assistant for the Theatre Alliance of Greater Philadelphia*

### **I. Intro to PVLA**

- Kathleen Carignan (kcarignan@pvla.org) Executive Director of PVLA
  - Website – [www.pvla.org](http://www.pvla.org)
  - Address –  
The Bellevue  
The Offices of the Philadelphia Chamber of Commerce  
200 S. Broad Street, Ste. 700  
Philadelphia, PA 19102
- PVLA provides legal services to artists and arts and cultural organizations on arts-related legal issues.
- Allow time to schedule a meeting as they are not an emergency service.

### **II. Types of services provided**

1. Legal-Line – a free, confidential, one-time telephone consultation with a volunteer attorney on an arts-related legal issue; usually lasts 30 minutes to 1 hour.
2. ArtFax – free review of short legal documents up to 3 pages long. Examples include: short contracts, photograph releases and copyrights, lease agreements, insurance issues.
3. Full Service Legal Representation –
  - Individual must make under \$35,000/yr. single or \$50,000/yr. couple, show most recent tax return
  - Organization must provide a copy of 501c3 letter, a copy of budget, and a letter from the board detailing what services are needed and why the organization cannot do it alone.
  - Examples – litigation, review of legal documents over 3 pages, nonprofit formation, draft by-laws
4. Legal clinics (not mentioned in meeting, but is in the PVLA brochure) - A bridge between Legal-Lines and Full-Service representations, clients can see attorneys for multiple sessions for one membership fee.

### **III. Nonprofit Formation and 501c3**

- 501c3 is a tax designation. You do not need a 501c3 to exist as a company. Having it, however, allows you to apply for more grants and give tax deductions for donations.
- Recommend using the “Legal Line” service to speak to an attorney about the 501c3 process, how/where to get forms, and to decide if it is right for them.

- It is possible to have another nonprofit company with a 501c3 serve as a fiscal conduit. Usually about 5% of money will go to the fiscal conduit. Make sure that you trust this company and get their references.
- You may not have to *pay* taxes as a nonprofit, but you still have to *file* taxes.
- Clarification on when to file 501c3 paperwork in relation to when your organization started.
- Resources - PAopenforbusiness.org and Bureau of Charitable Affairs

#### **IV. Upcoming workshops**

- 2/27 Wednesday, 11:30am-1pm – “Don’t Fear the Taxman, What every artist needs to know about taxes”
- 3/26 Wednesday, 11:30am-1pm – “Copyright & Legal Issues for Artists”
- 4/3 Panel Discussion discussing questions taken in advance
- Resources will soon be available for online purchase, including:
  - Nonprofit Corporation book
  - Screenwriters Legal Guide
  - Copyright/trademark guide

#### **V. Intellectual property**

- Theatre, by nature, is a collaborative art. It is difficult to divide who is responsible for what. It is recommended to have a written agreement up front.
- A copyright already exists but it must be in writing. Registering the copyright allows you to take advantage of attorney fees.
- If you call with multiple questions, PVLA will get the attorney that can answer the most of your questions. Attorneys, like doctors, have specialties.
- Oral agreements are difficult to prove. It is better to have a letter of agreement that spells out responsibilities for both parties in writing beforehand.
  - Do not think of it as signing your rights away but protecting yourself.
- If you do a copyrighted piece, make sure you have the rights or it is ‘fair use.’
- Small theatres may seem under the radar but look at the example of Brat’s production of *Grease*. Samuel French sent a cease and desist order form because it was to be an all female cast. You need to be up front about what you are doing.
- What is the legality of using real people and information? What about work inspired by or and adapted work. For both situations, take advantage of PVLA’s resources and consult an attorney.
- Be careful with actually copying a previous production. Bring the script and descriptions to your designers who will bring there own inspiration and research. Figure out how to communicate without referencing a specific production. Give credit for ideas and assistance wherever possible.

#### **VI. Other items**

- Discuss the legal definition of agent. Talk with a tax attorney for definitions and laws surrounding freelance workers and employees.
- Don’t forget to file taxes.

