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Contracts Provide Framework for Community Arts Groups' Creativity

Community arts nonprofits face a variety of contract-related legal issues when bringing their programming to New York City's five boroughs. Performing and visual arts organizations may encounter the intricacies of intellectual property rights, licensing agreements, and media considerations. Performing arts groups and galleries require real estate advice when leasing or renting out performance and exhibition space. Meanwhile, the terms of artist engagements deserve detailed drafting and legal review. For these concerns and more, community arts organizations turn to Lawyers Alliance and our network of skilled volunteers with complex legal projects that ultimately lead to a more creative and inspired New York City.

Leveraging artistic professionals

Performing arts organizations in particular utilize the services of professional actors, musicians, dancers, teaching artists, and stage technicians. Artistic independent contractor engagements are quite common among these and other community arts organizations, and legal help can align such engagements with the law and best practices.

Case Example: Serving the neighborhoods of Washington Heights and Inwood, **People's Theatre Project** (PTP) blends arts and social justice to craft meaningful theatre with and for more than 1,500 immigrants of all ages annually. PTP regularly engages playwrights and designers for its shows,



Photo: Emmanuel Abreu, courtesy of People's Theatre Project

People's Theatre Project blends arts and social justice to craft meaningful theatre with and for more than 1,500 immigrants of all ages.

and sought to ensure its independent contractor agreement template protected the organization as much as possible. Volunteer lawyers from **McDermott Will & Emery** revised the agreement template, including attention to the intellectual property and termination provisions. Bob Braswell, PTP's Managing Director, says, "With updated templates, we are expanding our network of artists to produce theatre that is a powerful artistic platform for immigrants and members of the Latine, Black, and Queer communities."

Championing creative peers through shared space

Community arts organizations with access to real estate, whether they own or lease art studios, theater space, rehearsal rooms, or office space, sometimes offer their space to artists or other arts groups with aligned missions. Shared space can be both a fundraising vehicle and a way for others with limited access to space to flourish. Experienced real estate counsel is vital to document the legal relationship.

Case Example: BRIC Arts, a mainstay in the Brooklyn arts scene for more than 40 years, reaches approximately 142,000 people annually through arts events. BRIC also supports local individual artists and arts organizations by renting out portions of the BRIC House building in Downtown Brooklyn on a short-term basis for rehearsal, performance, or exhibition purposes. Pro bono attorneys from **Skadden, Arps, Slate, Meagher & Flom LLP** reviewed and revised BRIC's license agreement template for short-term rentals, not only to protect the organization but also to make the language more easily digestible to the artist counterparties. The volunteer team also reviewed BRIC's lease to verify the license agreement did not conflict with BRIC's obligations as a building tenant. Says Emma Montaya-Hills, BRIC's Director of Operations, "The legal work has been integral in helping grow our Rental and Partnership program. From small nonprofits to independent artists, the revised language has opened doors to make our space more utilized and accessible to our community."

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Protecting organizational branding

Copyright and trademark protections can be critical for arts and cultural organizations seeking to foster a distinct artistic identity in the communities they serve. These nonprofits often rely heavily on their brand to stand out so that the public can easily recognize and support their creative endeavors and community outreach programs.

Case Example: Founded in 2001 in response to the lack of arts instruction in public schools, **Wingspan Arts** strives to ensure more equal access to the arts through multi-disciplinary arts education programs. Thousands of children across the New York metropolitan region have benefitted from its customized programs in and out of the classroom. Lawyers from **Crowell & Moring LLP** successfully renewed the organization's two trademark registrations with the U.S. Patent and Trademark Office, thereby enabling Wingspan to continue offering its unique community-based learning environment to young New Yorkers. Executive Director Paul Ashley says, "Wingspan is grateful for the assistance from



Photo: Natalie Powers, courtesy of Wingspan Arts

Wingspan Arts strives to ensure more equal access to the arts through multi-disciplinary arts education programs.

Crowell & Moring with our trademark renewals for another ten year period. Having these partnerships allows us to focus on the arts and continue our mission of 'connecting the arts to life' with our Summer Conservatory students."

If your community arts organization needs legal services, please contact Staff Attorney Elizabeth Wytock at ewytock@lawyersalliance.org.

Cornerstone Awards Honor Outstanding Pro Bono Achievements

On November 2, 2023, Lawyers Alliance celebrated the Cornerstone Awards and our exceptional volunteer attorneys at a festive gathering at **Paramount Global**.

Institutional Honorees

American Express General Counsel's Organization: During the past two decades, American Express attorneys and legal professionals have handled more than 70 pro bono cases, ranging from limited scope consultations to complex matters and full representation, for nonprofits building a better New York.

Crowell & Moring LLP: Since 2007, Crowell & Moring has been an indispensable Lawyers Alliance partner. During the past five years, 88 Crowell pro bono attorneys represented 73 organizations that have improved lives throughout the City.



Photo: Daphne Youree

Debevoise & Plimpton LLP: Attorneys from Debevoise & Plimpton have provided vital pro bono services, leadership, and financial support to Lawyers Alliance for five decades, dating back to our beginnings as The Council of New York Law Associates.

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