

# LEGAL ISSUES FOR THE PERFORMING ARTS

Duke University Department of Theater Studies

TS 169S.1

Course Syllabus

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**Office Hours:** by appointment

**Course Description:** Through readings and discussion of case law, statutes, sample legal documents, news reports and other materials, the course will provide an overview of copyright, contract, discrimination, employment, obscenity and other laws relevant to the performing arts. The course will also include exposure to legal issues for non-profit boards and formation of non-profit theatres.

## **Texts:**

Court decisions available online

Articles and contracts available online

**Class Size:** 16 maximum

## **Grading:**

- Research paper (5-10pp) on a specific legal issue for the performing arts (33%) [prospectus due at end of Week 6]
- Two exams; one take-home and one in-class (each exam @ 17%)
- Class participation (33%)

## **Class Summary:**

### A. **Overview of the Theatre as Business.** (Week 1)

Lets put on a show in the barn; what next? The class will discuss the workings of the theatre. Discussion will involve a strategic analysis of theatrical production. Who are all the players and what are the roles? Differences between for profit and non-profit theatres. Understanding this overview lays a groundwork for identifying the associated legal issues. The classes will also provide an introductory overview of the legal system.

### B. **Introduction to Copyright.** (Weeks 2-4)

Examination and review of the copyright statute. History and purpose of copyright laws. What is copyright? What is and is not copyrightable? Joint authorship, life stories, actor collaboration/workshops, book adaptations, multi-media onstage, director's copyright, choreography, public domain, "copy left," creative commons, copyright and the internet, fair use and parody. Specific cases: Thomson v. Larson (Rent); Childress v. Taylor (Moms Mabley); Einhorn v. Mergatroyd (Tam Lin); Eldred v. Ashcroft (Copyright Extension Act).

### **Take-home exam at the end of week 4**

### C. **Introduction to Contracts.** (Weeks 5-6)

Contract formation; written and oral contracts; copyright contracts; employment contracts, play licensing agreements. Review of specific contracts: Samuel French & Music Theatre International licensing agreements, Actors Equity contracts.

### **Prospectus for research paper due at end of week 6**

- D. **Discrimination Laws & Theatre.** (Week 7)  
Overview of Federal & State discrimination laws. Casting issues: blind casting, choice of plays, other protected classes (sex, age, disability). Audience issues: “the great white way,” ADA accessibility, ticket discounts and discrimination claims.
- E. **Obscenity & Indecency.** (Weeks 8 & 9)  
Freedom of Expression and the Arts, generally/historically. U.S. Constitution; state obscenity and indecent exposure laws; Supreme Court decisions (Miller v. California); FCC regulations; U.S. Postal Service. Nudity onstage: Oh, Calcutta!, Hair, Finley (Tim Miller) v. National Endowment for the Arts. Language: changing the script, Grease, school censorship.
- F. **Miscellaneous Legal Issues.** (Week 10)  
Personal Injury (actor, employee, volunteer, audience); actor’s income tax, defamation, insurance, sexual harassment, rights of publicity, rights of privacy, smoking bans.
- G. **Formation of Tax-exempt Non-profits.** (Week 11)  
What is a non-profit corporation? What is tax-exempt status? State incorporation laws; Internal Revenue Code 501(c)(3); board member duties and responsibilities; conflict of interest.
- H. **Review & Exam.** (Week 12)
- I. **Research Paper Presentations.** (Weeks 13 & 14)