



FILMMAKERS LEGAL CLINIC
AT THE CENTER FOR VISUAL ADVOCACY

2022 Annual Report



CARDOZO
Benjamin N. Cardozo School of Law

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Letter From the Director

Dear Friends and Colleagues,

The 2021–2022 academic year was transformational for the Filmmakers Legal Clinic (FLC). While we were all addressing the impact of the pandemic, the war in Ukraine, economic concerns and national legal and social disruption, our filmmakers were working to tell the stories that will draw attention to these issues.

The FLC was busier than ever. It is a unique law school clinic that provides pro bono transactional, intellectual property and First Amendment legal services to independent filmmakers. A vital resource for filmmakers, the clinic is invaluable to creatives and journalists who need legal expertise while working on tight budgets.

We founded the Center for Visual Advocacy, which advances visual advocacy by amplifying under-told stories and by educating and empowering the filmmakers who bring them to the public, to house the FLC and the work that we do.

This academic year, our students worked on more than 42 films and hosted more than 21 educational programs, trainings and pop-up legal clinics.

In addition, we launched the [FLC website](#) to provide legal empowerment to a broad group of independent filmmakers, journalists and artists and serve as a resource for social justice advocates.

In an increasingly divided world, 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. We aim to get important stories told and train the next generation of legal advocates. Thank you for your support and interest in our mission and work.

Michelle Greenberg-Kobrin

Clinical Professor of Law

Director of the Filmmakers Legal Clinic

Director of the Center for Visual Advocacy

Senior Heyman Fellow and Director of the Leadership Program
at the Heyman Center on Corporate Governance

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 who highlight social justice issues and diversify the stories that are told through film.

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.

Drawing on the strengths of Cardozo's Intellectual Property and Information Law Program, one of the top 10 in the country, the FLC was established to aid independent filmmakers and video journalists. To date, Cardozo students have represented hundreds of films, many of which have gone on to appear in leading U.S. and international festivals, including Cannes, Sundance, SXSW, the Tribeca Festival, the LA Film Festival, Big Sky Documentary Film Festival, Hot Docs and DOC NYC. Under the leadership of Professor Michelle Greenberg-Kobrin, the clinic has shifted more prominently toward social justice projects, with a strong focus on diversifying the industry and the stories being told. This makes the clinic's home at the CVA a perfect fit.

The clinic provides invaluable services to its clients, who wrestle with complex legal hurdles and limited resources while working to shed light and focus on a diverse range of some of today's most pressing issues. In the past year, projects have highlighted mental-health issues, immigrants' stories, the disproportionate disappearance of Native American women and girls, LGBTQIA+ rights, sexual and domestic violence, climate harm from nuclear waste, racial justice and toxic beauty standards.



*A film still from
'The Loom'*

Students in the FLC and Advanced FLC learn the skills essential to be excellent deal makers and wise counselors who can see how disparate elements fit into the larger transaction. The clinic produces lawyers who can bring people together and create situations that benefit all parties. The work of the clinic is an amalgam of several distinct areas of the law—intellectual property law, transactional law, First Amendment law, contract drafting, negotiation and employment law—and in each one of these areas, Cardozo offers vast resources.

The FLC has benefited from the support of its partners, including the **Laurie M. Tisch Illumination Fund**, whose support has led to the exponential growth of the clinic, and the **Legal Clinic Fund**, a collaborative fund to support the growth and sustainability of legal clinics across the United States that seek to advance and defend First Amendment rights, media freedom and transparency in their communities and nationally. The fund is 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 clinic is also supported by the **Miranda Family Fund**, the focus of which includes 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 clinic also appreciates the support of our alumni.

A film still from 'Index:Trace'



The Center for Visual Advocacy

The Center for Visual Advocacy (CVA) is 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. Lawyers and the law can—and must—advance equality and social justice using tools beyond impact litigation. Visual media have a long and promising history of changing the hearts and minds of viewers, and this internal growth leads to more understanding and acceptance and ultimately better policy. Lawyers are needed to ensure that these storytellers have contracts to protect them from legal liability and to help them maintain critical ownership of their IP and understand their First Amendment rights. The CVA aims to be at the center of this developing field. Its mission is to advance visual advocacy by amplifying under-told stories and by educating and empowering the filmmakers who tell them.

The Role of Visual Advocacy

Visual advocacy is the use of visual media, including film, to portray issues and stories in a way that creates a shared language with the viewer and makes room for empathy and understanding. While impact litigation or new legislation might technically change the law, it may not change peoples' opinions. Litigation and legislation are not created in a vacuum; they are responsive to public opinion. Therefore, a significant part of visual social justice advocacy is telling important, unheard stories—and moving the hearts and minds of the audience.

Visual advocacy can do important work before any court case or legislative action, changing the environment in which these cases are brought before legislation is drafted. A more receptive environment could lead directly to a better, more inclusive solution.

Things we see change our perception of the world and how we interact with those around us. Consider the horrific video of George Floyd's murder by police: It galvanized people to take to the streets. Consider the increase of LBGTQIA+ representation in media and its positive cultural effect. The impact of visual exposure is enormous and can lead to not only legislative and legal changes but also, crucially, to a greater understanding of the

Strategy for Impact

At the CVA, we believe in the power of visual media to effect social change. Therefore, we provide free legal services through the FLC, work with our community partners to provide trainings and resources to empower creators and partner with our clients, festivals and partner organizations to promote works that highlight social problems and underrepresented communities. Our bespoke individual client representation focuses on an individual filmmaker or project to ensure protection and that the story gets told. We then aim to help distribute these works to a broad audience by working with community organizations, educational institutions, film festivals and other partners.

We pride ourselves on being a community resource center and a gathering place for individuals who want to engage with difficult issues and advocate for change. With that goal in mind, we relaunched our film series in summer 2022 with three screenings, each focusing on a pressing social justice issue. The films were screened at Cardozo School of Law for free, with the events open to the public, and provided discussion resources that deepened viewers' understanding and strengthened their resolve.

The first film, *Final Account*, showed the power of the documentary—and storytelling more broadly—by prodding the memories and perceptions of the last living generation of everyday people to participate, in subtle and in overt ways, in the horrific crimes of the Holocaust. This urgent portrait reminds us of the importance of our actions and resistance, collectively and individually. The second film was *Missing in Brooks County*, an important, nuanced and sobering look at the immigration crisis and the challenges faced by migrants—even after they've crossed the border. The final film was *The Condor and the Eagle*, which highlights the interconnectedness of the Earth while spotlighting the heroic indigenous women leading an unparalleled global movement to address the climate crisis.



The Filmmakers Legal Clinic at the CVA

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

But the legal costs of filmmaking have not decreased in tandem with technological achievements. Rather, the legal hurdles have increased. These filmmakers not only have to worry about First Amendment issues, but they also have to navigate the minefield of copyright law while sifting through a world of endless images. Beyond that, they need to raise funds, which could implicate securities laws or require detailed agreements with investors; and they need to enter into all sorts of contracts with 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 to serve as a production company becomes even more important, of course, 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 questions. Therefore, we aim to bring down the legal costs of filmmaking so that the door can be thrown wide open for stories of all types to make their way to the screen. To continue pursuing this goal, the FLC served almost 30 clients during the 2021–22 academic year, bringing the number of filmmakers represented to over 275.

3, 2, 1, 0: Launch of the Filmmakers Legal Clinic Website

We are excited to announce the launch of the [Filmmakers Legal Clinic website](#), a resource to build, strengthen and serve our community. On the website, we provide an overview of common legal topics and issues encountered by filmmakers over the life cycle of a production: from protecting and developing an idea to creating a business entity and securing financing, to reading and signing contracts and obtaining releases and permission, to avoiding common pitfalls and knowing legal rights, to navigating the copyright laws, through to obtaining E&O insurance and entering into a distribution deal. We provide the legal know-how to help filmmakers better prepare and protect themselves. For clients and partners who sign in, we provide downloadable in-depth presentations on these and other topics.

It also spotlights the work the clinic's clients are producing and even highlights the filmmakers. The website lists latest awards and accolades as well as recent premieres. In addition, the website serves as a repository for a growing number of the completed films that the clinic has represented.

The website will continuously highlight events the FLC is hosting for our partner organizations and the public.

The website has our new application portal for clients to apply for pro bono legal services and information-gathering forms for alumni and partners to submit. These submissions will strengthen our community and allow us to host more events targeted to members' needs.

Visit our website here: www.filmmakerslegalclinic.org

A film still from 'The Last 90 Minutes'



Highlights: 2021–22 Clinic Events

Pop-Up Legal Clinics

The FLC ran a number of pop-up legal clinics with partner organizations, including the Sundance Institute, Ghetto Film School and The Black TV & Film Collective. This allowed clinic students to provide tailored legal advice quickly to more than 20 filmmakers.

FLC x Sundance: Legal Empowerment Series

2022 marks the first year that the Filmmakers Legal Clinic is an official partner of the Sundance Film Festival. The clinic provides ongoing training for **Sundance Institute** filmmakers and holds an annual clinic for documentary and narrative filmmakers.

New York State Multicultural Creativity Summit

Hosted by the Motion Picture Association and Empire State Development, the FLC provided filmmakers with an overview of the resources available through the clinic as well as a broad sense of the major legal issues facing filmmakers.

FLC x Ghetto Film School: Legal Empowerment Series

The FLC and the **Ghetto Film School** continued a fruitful partnership, hosting a three-part legal empowerment series throughout the semester that covered film financing, entity formation and an overview of copyright law. The series put the emphasis on filmmakers protecting themselves so their works can succeed.

FLC x The Black TV & Film Collective: Legal Empowerment Series

The FLC and **The Black TV & Film Collective** also continued a partnership with, in addition to the pop-up legal clinic, a legal training providing an overview of contracts. Our “How to Read Your Contract” presentation equipped filmmakers with basic legal knowledge and honed expectations so that they can confidently enter into contracts.

FLC x NYU Production Lab: Lunch and Learn

FLC and **NYU Production Lab** have continued a productive partnership. FLC provided monthly legal trainings to members of NYU Production Lab on the fair use exception to copyright infringement, financing in the film industry (including the impact of securities laws) and an overview of contracts.

Miranda Family Fellows Summit

The FLC led small-group discussions where **Miranda Family Fellows** asked about their most pressing legal concerns. Topics that the clinic addressed included how to best understand and negotiate different terms in a contract, and questions about ownership and copyright.

The Bronx Filmmakers Collective Presentation

The FLC presented an overview of contracts law, with a focus on non-union employment contracts, to a group from **The Bronx Filmmakers Collective**.

Highlights: 2021–22 Film Projects

Chinese School

Chinese School is a coming-of-age movie musical that follows a Chinese American teenager growing up in Queens while he struggles with his identity. The film emphasizes the importance of identity, even as it can be confusing and challenging. FLC students drafted releases and agreements for key team members and provided advice on chain of title and copyright registration.

Index:Trace

Index:Trace portrays the past, present and future impacts of the nuclear fuel trajectory—uranium mines and nuclear weapons, power and waste—as told by impacted communities, scientists and activists who are working together for nuclear abolition and environmental justice. The filmmaker travels the 50 U.S. states to weave the story of inequality and hidden injustice. FLC students advised on entity formation for liability protection and drafted material and appearance releases.



A film still from "Index:Trace"

Sana Que Sana

Sana Que Sana is a graceful, nuanced and poignant look at a family's grief, betrayal and ultimately forgiveness of the grandfather's secret family. Older men in Colombia often have secret families, hidden from their first wife and children. With the onset of dementia, the filmmaker's grandfather could no longer hide his secret—and the family struggled with shock and anger along with compassion and forgiveness. The film mixes documentary and interpretive elements. FLC students advised on entity formation and music licensing and drafted agreements for key contributors, including a producer, a cinematographer and a composer.

South Shore

South Shore is an engaging look at the intersection of identities. When a Salvadoran teen living on the South Shore of Long Island becomes a suspect in the murder of a classmate, he finds himself unable to admit the truth about his whereabouts at the time because he was with his boyfriend. His eventual encounter with the murdered boy's father forces them to reconsider their losses and their lives in a new light. FLC students advised the filmmakers on their partnership, formed an LLC for the film and drafted producer and director agreements.

Retouch

Retouch explores the world of retouching—professional image editing—through the eyes of New York-based practitioners who shed light on their experiences working in the fashion and beauty industries. The film discusses changing beauty standards amid the industry's push to embrace natural beauty and greater diversity, while highlighting the ethical tensions that exist between retouchers, their clients and consumers. FLC students provided a fair use opinion and helped the filmmaker apply for E&O insurance.

Fancy Dance

Fancy Dance is a feature film that exposes oppressive systems and, simultaneously, celebrates the joy and survival of indigenous people. Following the disappearance of her sister, a Native American hustler kidnaps her niece from the child's white grandparents and sets out for the state powwow in hopes of keeping what's left of their family intact. FLC students drafted director, producer and writer agreements and advised on LLC formation.

To Go to the Moon

To Go to the Moon is a biopic about Margaret Hamilton, a pioneer in the field of software engineering and a director of the Software Engineering Division for the MIT Instrumentation Laboratory, which developed on-board flight software for NASA's Apollo program. This short film highlights her often-overlooked contributions. FLC students drafted a fair use analysis as well as a memorandum on life rights.



Highlights: Client Achievements

Film Festivals and Premieres

The Irritable Heart was a 2022 Official Selection for the New Filmmakers New York film festival and the New Jersey Documentary Film Festival and a 2021 Official Selection for NHdocs, the Chagrin Documentary Film Fest and the Knoxville Film Festival.

Manzanar, Diverted: When Water Becomes Dust was a 2022 Official Selection for the Harlem International Film Festival.

The Art of Un-War was a 2022 Official Selection for Le FIFA 40th International Festival of Films on Art, the New Jersey International Film Festival and the Washington, DC International Film Festival.

Esther in Wonderland was an Official Selection for the 2021 Tribeca, Raindance, Calgary International and Guanajuato International film festivals.

Memory Lanes premiered at the 2022 Big Sky Documentary Film Festival.

Fancy Dance was the Northwest Film Forum's 2021 recipient of the Lynn Shelton "Of A Certain Age" Grant.

Victoria's Foil premiered at the Columbia Journalism School DocFest.

Tandem was a DOC NYC's "Only in New York" selection.

Grants and Funding

Maya Ben-Shahar (*JustUs*) received grants from Iowa's Department of Cultural Affairs and from the National Endowment for the Humanities.

Malpelo recently was supported by a Sloan Distribution Grant by Film Independent and the Columbia University Sloan Screenwriting Grant and multiple labs, including Sundance Creative Producing Lab and Athena Film Festival Virtual Writers Lab.

Florence from Ohio became the first independent film to receive equity funding from One in a Billion Productions.

Chalino has been supported by the Sundance Creative Producing Lab.

The Monster and the Storm was awarded a grant from the IDA Enterprise Documentary Fund.

Index:Trace is sponsored by Women Make Movies.

Accolades and Awards

The Art of Un-War won the Jury Prize at the 2022 Sebastopol Documentary Film Festival.

Manzanar, Diverted: When Water Becomes Dust won Best Documentary at the San Diego Asian Film Festival 2021, was nominated for Best Music Score by the IDA Documentary Awards 2021 and was a Big Sky Award nominee at the Big Sky Documentary Film Festival 2021.

Johnny Loves Dolores won Fan Favorite at AT&T's 2021 Untold Stories (in collaboration with Tribeca Festival).

Pay or Die was featured in The Hollywood Reporter, announcing the support of Sarah Silverman.

Victoria's Foil aired on PBS stations across the country.



Film Profile: *Pay or Die*

Pay or Die is a chilling documentary about the real cost of inflated prices for insulin: vast inequity, crushing uncertainty and lives lost.

The soaring price of insulin threatens a huge number of Americans who have type 1 diabetes. Even those who manage to purchase their life-sustaining insulin—at \$300 per vial—must contend with the financial burden that this medicine places on the other aspects of their lives.

The Filmmakers Legal Clinic worked with the *Pay or Die*'s directors and producers, Rachael Dyer and Scott Ruderman, for several semesters, developing a close relationship and fostering a deep belief in the film and its critical message. Ruderman, who also is the film's cinematographer, lives with type 1 diabetes. Dyer is a dual Australian-Canadian citizen who sees the American medical-industrial complex and its impact on the cost of health care in the richest country in the world through a contrasting lens. Together, they are fighting the corporate and political forces that have led to the price gouging of insulin and its deadly cost. To spread awareness and urgently call for reform, *Pay or Die* follows the stories of a handful of the over 1.5 million Americans dependent on insulin to survive.

The Filmmakers Legal Clinic provided legal work for *Pay or Die* for more than a year. Students assisted with LLC formation, advised on the film's financing, including investor and loan agreements, and drafted location, appearance and materials releases, as well as producer, director and director of photography agreements.

"We couldn't have asked for a better experience with Cardozo Filmmakers Legal Clinic. The professionalism and dedication shown by the students and professors has been second to none. As first-time filmmakers, it was important for us to work with a legal team that was able to spend quality time with us to answer any questions we had on the legal process, which could have become very costly had we not been accepted into the Cardozo clinic. We wouldn't be where we are today without the team at Cardozo."

—**Rachael Dyer**, Director/Producer *Pay or Die*



Leadership



Michelle Greenberg-Kobrin

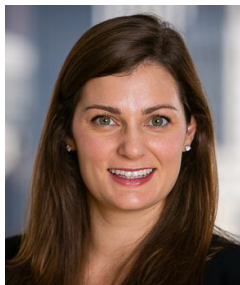
Clinical Professor of Law and Director of the Filmmakers Legal Clinic

Director, Center for Visual Advocacy

Senior Heyman Fellow and Director of the Leadership Program at the Heyman Center on Corporate Governance

Michelle Greenberg-Kobrin teaches and directs the Filmmakers Legal Clinic, which provides pro bono legal services and training on legal issues to filmmakers and video journalists 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 Leadership Program at the Heyman Center on Corporate Governance. Previously, she was 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, she 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

Before joining the FLC, Haley Sylvester was counsel to Commissioner Robert J. Jackson Jr. at the U.S. Securities and Exchange Commission then became a Research Fellow at the NYU School of Law's Institute for Corporate Governance & Finance. Before joining the SEC, she was a 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 and Political Science (LL.M.). She has also studied at Sotheby's Institute of Art.



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Benjamin N. Cardozo School of Law

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Email: flc@yu.edu

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