

INTRODUCTION: LAW, TECHNOLOGY, AND ENTERTAINMENT IN ... PITTSBURGH?!?

By Tom Magner & Stephanie Dangel of the Steeltown Entertainment Project*

Volume XIII - Fall 2012

What do law, technology and entertainment have to do with Pittsburgh? Unless you work in the entertainment industry, the answer may surprise you.

For much of the twentieth century, Pittsburgh was Hollywood's best kept secret, as the city quietly contributed the technology, talent and content that drove the entertainment industry: from the first nickelodeon to broadcast radio and public television; from Andy Warhol, to Martha Graham and August Wilson; to Fred Rogers' children's television, to National Geographic documentaries and George Romero's independent films.

During the first decade of this century, Pittsburgh has gone from Hollywood secret to Hollywood East. From *The Dark Knight Rises* to *The Perks of Being a Wallflower*, Hollywood is coming to Pittsburgh to take advantage of film tax incentives, diverse locations, and a wealth of entertainment, talent, and content. Since the passage of the tax incentive in 2004, Pennsylvania has benefitted from over \$2 billion dollars in economic development generated by entertainment industry.¹ Local producers are also making headlines, including the documentary filmmakers behind *Blood Brother*, which was recently selected to premiere at the prestigious Sundance Film Festival.

* Tom Magner and Stephanie Dangel represent the Steeltown Entertainment Project, a social enterprise dedicated to building a sustainable entertainment sector in Pittsburgh. Tom is a graduate of the University of Pittsburgh Law School and a member of the Pennsylvania Bar. After graduating from Yale Law School, Stephanie clerked for Justice Harry Blackmun and practiced at K&L Gates.

Since its founding in 2003, Steeltown has pursued a four-part strategy to connect Pittsburgh with Hollywood that: (1) Inspires students and teachers through Steeltown Youth & Media Programs; (2) Identifies talent and content through the Steeltown Film Factory; (3) Incubates television pilots through Steeltown's WQUED Incubator; and (4) Invests in entertainment products with support from private, foundation, and government sources.

¹ *Report to the General Assembly on the Film Production Tax Credit Program FY 2011-12*, PA. DEPT. OF CMTY. AND ECON. DEV. (Sept. 1, 2012), http://filminpa.com/wp-content/uploads/2012/08/FY_2011-12_Report_to_Legislature.pdf.

Ongoing technological advances in digital media favor the continued growth of an entertainment sector in Pittsburgh. In contrast to outdated film and television technologies, digital media decreases the cost of production and increases the access to distribution, which opens the door for Pittsburgh to develop a sustainable entertainment industry.

Yet to fulfill Pittsburgh's promise as world-class entertainment hub, the region still needs to develop one important resource: a critical mass of entertainment lawyers. The road of film and television productions is a complex and twisted one that requires experienced counsel determined to ensure that Pittsburgh and Pittsburghers are treated fairly.

In an ideal entertainment world, a project starts with an idea by a writer. The writer shops the idea or script to a producer, who hopefully likes the script enough to buy it. Then the producer hires a director, who works with the producer to hire the cast and crew for the film. Filming begins at some point in the future, and we all know the rest of the story.

However, the entertainment world is far from ideal. Another writer may claim that the producer stole his idea. The star may go on a legendary bender or lose his mind immediately before filming is scheduled to begin. The director may get locked out of the editing room in the post-production process.

Learning how to protect clients is invaluable in the world of film and television. Some issues are fairly straightforward. For example, what if a writer sues a producer claiming that he stole the writer's idea for a television show pilot? Not a problem if the producer consulted an attorney beforehand and negotiated an option agreement for the idea! What if an extra trips and falls on the set and sues the production? Not a problem if the production attorney drafted a release and had the extra sign it! What happens if two actors get into a barroom brawl and won't

be able to make filming in the middle of a long shoot? If the production attorney has negotiated sufficient coverage, then filming should be able to proceed without much of a hitch!

For better or worse, issues involving entertainment law and technology are rarely so simple. The articles included in this student written series address a wide spectrum of cutting-edge law and policy issues in the entertainment field, including:

- The challenges to the sustainability of the Pennsylvania film tax credits due to their distorted economic benefits;
- The problems posed by broad content regulation for independent filmmakers who rely on cloud computing to create, store, and distribute their productions;
- The shortcomings of the Copyright Alert System due its lack of transparency, consumer safeguards and sensitivity to the needs of small content creators;
- The impact of technology, reality programming, and sequels on the effectiveness of collective bargaining by writers;
- The unequal bargaining power between reality television producers and contestants; and
- The privacy issues associated with films based on a true story.

While we do not necessarily endorse the views or opinions given by the authors, no one can disagree with the importance of the issues presented, not just to Pittsburgh, but to the entertainment industry around the world. Congratulations to the student authors of these articles, and fingers crossed, this series will inspire some of them as well as their readers to join the ranks of entertainment lawyers in Pittsburgh!