



# Arizona Dance e-Star

a publication of the **Arizona Dance Coalition**

Volume 2, Issue 1

January 2012

## HAPPY NEW YEAR!

The ADC Board of Directors sends wishes to all of you for a healthy and prosperous new year filled with continued creativity, talent and *dancing!* To help you, ADC will continue to bring you another year of *e-Star* tips, business articles, announcements and events. If you are new to ADC, past newsletters are available on the website and an index of 2011 contents is on pages 14-15. Our special guest speaker at the ADC annual meeting (see Events), **Catherine “Rusty” Foley**, will also help us better understand our political *climate* and how we can get involved as advocates for dance. Our climate is changing, but you already know this as we (Tucson) have no citrus on our trees this winter! I miss my *ornaments*.

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In this first issue of 2012 I’ve included four articles (instead of the usual one) written by arts attorneys on important topics: contracts, getting *something*, and intellectual property and the Web. There’s a recommendation from Bob Booker to apply for NEA grants, dancers and teachers are *wanted*, and our Spotlight shines on the ***Del E. Webb Center for the Performing Arts***. It is also time for ADC members to submit nominations for this year’s Lifetime Achievement Award recipients (March 31 deadline).

On a somber note, New ARTiculations, Movement Salon and The Architects will hold an improvisational performance on January 8 to commemorate those who were affected by the shootings a year ago in Tucson (Regional section). *Music and dance is healing*. I am closing with a prescription for improved balance – the **Morter March** (pg 16 Soma Tip) – twice daily. It works and it is simple! (Toast)... to 2012!

Most sincerely,  
*Krystyna Parafinczuk*  
Editor & ADC Treasurer

The **Arizona Dance Coalition** is a membership-based, statewide 501(c)(3) nonprofit dance organization creating connections and communication between the general public and the dance community. ADC membership is available to individuals and organizations interested in the art of dance. You may join online at [AzDanceCoalition.org](http://AzDanceCoalition.org). All questions about membership and sponsorship can be sent to [Lisa@AzDanceCoalition.org](mailto:Lisa@AzDanceCoalition.org). Calendar of Events are posted online by ADC members. Article submissions, news, letters to the editor and advertising sales can be sent to [Krystyna@AzDanceCoalition.org](mailto:Krystyna@AzDanceCoalition.org). Additional ADC contact information is on the last page.

## CALENDAR OF EVENTS

## SUBMISSION DEADLINE

FEBRUARY ISSUE  
of the*Arizona Dance e-Star***January 25**

**CALENDAR OF EVENTS** listings are taken from the **Arizona Dance Coalition** website postings by ADC members. All postings of events are restricted to 501(c)(3) organizations with the exception of charitable and free events, educational workshops and master classes.

All submissions are monitored. Content may be edited.

[AzDanceCoalition.org](http://AzDanceCoalition.org)

**January 10-15, 7:30 pm; January 14 @ 2 pm & January 15 @ 1 pm** ASU Gammage, 1200 S Forest Ave, Tempe

**South Pacific** ~ This new production is based on the 2008 Tony® Award Lincoln Center Theater production directed by Bartlett Sher. Set on a tropical island during World War II, the musical tells the sweeping romantic story of two couples and how their happiness is threatened by the realities of war and by their own prejudices. All performances, dates, times and prices are subject to change.

Customer Service: [boxoffice@asugammage.com](mailto:boxoffice@asugammage.com), Box

Office: 480.965.3434, Group Services: 480.965.6678, Fax: 480.965.3583, TICKETS \$57 and up



*Thanksgiving Follies photo by Peter Coombs*



**January 19, Thursday, 10:30 - 11:30 am**, ASU Gammage, 1200 S Forest Ave, Tempe. Scottsdale Insurance/Nationwide Foundation Performances for Students ~ **Grupo Liberdade** ~ Explore the movement and music of Brasil. This high energy ensemble performs a wide variety of folkloric and contemporary musical styles from across Brasil including Samba, Samba Reggae, Côco and Maracatu. The performance highlights the rich traditions and history of Brazilian culture including Capoeira, the Brazilian art form that dates back more than 500 years and combines dance, music and martial arts. Contact the ASU Gammage Cultural Participation Department for more information at [cpinfo@asugammage.com](mailto:cpinfo@asugammage.com) or 480.965.5062.

**January 20, Thursday, 7:30 pm**, Kerr Cultural Center, 6110 N Scottsdale Rd, Scottsdale. **Grupo Liberdade** performs **Origins of Brazilian Batucada** ~ Tickets: \$20 presale; \$25 day of show.

**January 20, Friday, 9 am - 3 pm**, Valley Vista High School, 15550 N Parkview Place, Surprise. **AzDEO's Pink Tutu Flu** ~ Professional development day for dance educators. First class in Alexander Technique lead by Laura Donnelly from ASU. Second class Afro-Modern given by Zari from Grand Canyon University. Share out sessions inbetween classes relating to dance history lessons and concepts. Bring a history lesson and/or concepts with you. Email Amy Crow at [amy.crow@dysart.org](mailto:amy.crow@dysart.org) with your lesson/concept. Free to AzDEO members. \$20 for non-members.



## CALENDAR OF EVENTS



**January 26, Thursday, 7:30 pm.** Del E Webb Center for the Performing Arts, 1090 S Vulture Mine Rd, Wickenburg. **MOMIX's *Botanica*** ~ Returning to the Webb Center stage with their vibrant new piece ***Botanica***, innovative choreographer Moses Pendleton and the dancer-illusionists of MOMIX conjure up a fantastic natural world with athletic dance, outrageous costumes, inventive props, multimedia elements and pure talent. Featuring music that ranges from Vivaldi to birdsong, *Botanica* not only follows

the rhythms of the seasons, but also the evolution of the world and the passing of a day. Tickets: Children \$5, Adults \$45

**January 27, Friday, 8 pm.** UA Centennial Hall, 1020 E University Blvd, Tucson. **UA presents *Forever Tango*** Luis Bravo's Tony-nominated hit dance spectacular features an all-Argentinean cast of world-renowned dancers, an on-stage orchestra comprised of members of the Argentinean National Symphony and powerful vocalists. Over the past decade *Forever Tango* has returned to Broadway twice and has wowed audiences worldwide, repeatedly breaking box office records. Tickets: \$15-59 *Note: Performance*

*rescheduled from January 21 to the 27th. Ticket holders have been notified via email and US Mail. No need to exchange - original tickets are valid on new date. Please call the Ticket Office at (520) 621-3341 with any additional questions.*



*Photo by Bocchino & Gersony*

**January 27-28, Friday-Saturday, 7 pm, January 29, Sunday, 5 pm** ASU Tempe Campus, Physical Education Building West, Room 239/240, 452 E Orange St, Tempe. **FREE.** ASU Herberger School of Dance presents ***Fabrications*** featuring the work *Inhabited* created by Corinne Bocchino and *A Performance Will Dissolve* created by Alyssa Gersony in collaboration with the dancers. Each piece was started in May of 2011 and will premiere January 27. This concert is conceived and presented by the Bocchino and Gersony as part of the completion of their BFA studies at ASU. Audience is limited to 50 people per

night and seating is first-come, first-served. Doors open 30 minutes prior to the event. For reserved seating, email [cbocchin@asu.edu](mailto:cbocchin@asu.edu) at least 24 hours before the time of the show.

Non-ADC member performances, workshops, and master classes are mentioned in the **Regional Section** of the *e-Star*.

We welcome your **announcements**: job postings, auditions, scholarships, awards & recognitions, new positions, reorganizations, and invitations to participate in FlashMobs!

## CALENDAR OF EVENTS



**January 28, Saturday, 2 & 8 pm, Tempe Center for the Arts, 700 W Rio Salado Parkway, Tempe.**

### **CONDER Dance: Breaking Ground 2012**

In its fifth year, Breaking Ground is Arizona's window into the most current perspectives on art and culture. Tightly curated by an illustrious panel of judges and produced by CONDER/dance, Breaking Ground 2012 presents remarkable contemporary dance, film and art from artists working around the country. Performances in traditional

and non-traditional spaces throughout Tempe Center for the Arts will resonate with audiences from all walks of life. This year a matinee performance is designed to present works by students only.

Tickets: \$20 general, \$15 students, 480-350-2882. Performers are:

#### **Professional Division**

Daniela Borgialli – Tango Dream, Carley Conder – Healing the Divide, Brad Garner – Rendicion Basquiat, Alisa Gillespie – Reverie Realized, Kevin Jenkins – Luminos (film), Karen Jensen – Moving Target (film), Keith Johnson - Unscripted / Riptide Into Me, Jenna Kosowski – For Her Smile Is Painted On..., Shannon Mockli - Murmur, Chrissie Parrott – Motel Deception (film), Carolyn Pavlik – LadyBoy (film), Renata Sheppard – The Wait of Gravity (film), Eileen Standley – State of Affairs and La Folia

#### **Student Division**

Julie Akerly – It's Always Too Late and Making Noise (film), Robert Ahlman – Primal, Jordan Daniels – WOW, Jessica Diaz – My Feet Keep Me Up At Night, Anthony Gonzales – Point. Line- Fold>, Holly Martin – Without It, Nita Mallya – Thillana, Anna McClellan + Brittany Young – unfamiliarCLOUD, Britta Peterson – Violet Flight and Recurring Reverie, Laurel Wall-MacLane – to....



### **ADC ANNUAL MEMBERSHIP MEETING & BRUNCH**

**January 29, Sunday, 11 am - 1 pm**

**The Morning Glory Cafe at The Farm at South Mountain**

6101 S 32nd St (S of Southern on west side of 32nd St), Phoenix

Meet ADC Board of Directors and members from around the state. ADC

Regional Representatives will share dance news from their regions. Special guest speaker, **Catherine "Rusty" Foley**, Executive Director, **Arizona Citizens/Action for the Arts**, will talk about advocacy, the state of the arts in AZ, and how all artists should get involved in this political climate. Visit [azcitizensforthearts.org](http://azcitizensforthearts.org) to



learn about ACAA. The "no host" brunch menu is available at [MorningGloryCafeAZ.com](http://MorningGloryCafeAZ.com).

The Board Meeting will directly follow from 1-2 pm. Anyone interested in getting involved as a volunteer or board member is welcome to stay.

**Please RSVP by January 25th at [Lisa@AzDanceCoalition.org](mailto:Lisa@AzDanceCoalition.org) or 480-962-4584.**

## Announcements

### ADC Lifetime Achievement Awards

**2011 ADC Lifetime Achievement Award** recipients were *Nian Cadman* and *Marion Kirk Jones*.

**Nominations** are being accepted for 2012 and a fill-in PDF form will be emailed to ADC members. We look to our membership to nominate dance artists who have made significant contributions to dance arts in Arizona. Deadline for nominations is March 31. For more information, contact [Lisa@AzDanceCoalition.org](mailto:Lisa@AzDanceCoalition.org).

**March 3, Saturday, Body-Mind Centering®** with *Indeera Jobnn*, a community workshop presented by **ASU School of Dance** and **AzDEO**

Online registration will open **January 9, 2012**. Students \$20, Community Members \$30  
Body-Mind Centering® (BMC) dynamically explores where body, mind and movement meet and is appropriate for people interested in deepening their connection to the inner wisdom of the body as it relates to movement, mind and spirit. BMC is currently being studied, practiced and applied by people from a broad range of professions. These include teachers and students of yoga, dance, martial arts and other approaches to movement education and therapy; massage and bodywork practitioners, occupational therapists, physical therapists, psychologists, nurses, doctors, musicians, and actors. More information about [BMC](#).

**Dancers Wanted, March 2-3** (Friday & Saturday), who would like to *engage* the 40+ “active adult” community in dance/exercise. The **Pima Council on Aging** is holding their first **Ages ‘n Stages Active Adult Lifestyle Show** at the Tucson Convention Center. Proceeds will benefit the PCOA which has experienced a significant drop in funding that covers housekeeping, personal care (baths) and home repair for seniors. The event will receive significant publicity. No performers will be paid, but will receive publicity. If you are interested, email [Krystyna@AzDanceCoalition.org](mailto:Krystyna@AzDanceCoalition.org) or call 520-743-1349.

**NGOMA ZA KONGO** is an original-authentic dance & drum ensemble from Congo Brazzaville in Central Africa. It is available for festivals, public and private events, workshops and more from March - May while touring in the SW USA. Inspired by Congolese tradition and culture, NGOMA ZA KONGO has incorporated new moves, rhythms, sounds, dances and has created its own original music and dance. A musical dance troop providing a source for meditation, balance and healing in everyday life, adding a quality of education and entertainment for a public of diverse backgrounds and from all walks of life. The mission of NGOMA ZA KONGO is to promote, disseminate, discover and teach this new cultural music and dance in all the countries of the world. The group will perform at the premiere of [Playing For Unity in Diversity](#) Music Festival to be held on **March 17** in the Grand Palace Hotel & Saloon at Old Tucson Studios in Tucson. For booking, contact: Leonard Baniekona, 242 Wayne Ave, Waynesboro PA 17268, 301-605-3749. YouTube clips available upon search.

## Trained Dancers Needed

**February 10-12 Mesa Takes Flight – *Arizona Centennial Dance!*** Participants will have an opportunity to work under the direction of **Elizabeth Johnson**, ASU Instructor and Associate Artistic Director, Liz Lerman Dance Exchange. She works to connect communities through dance and dialogue. All workshops/rehearsals will take place at the Mesa Arts Center, One East Main, Dance or Acting Studio, 2nd Floor Art Studios, South Side. Rehearsals January 7, 28, 29, February 4 & 8. Performances February 11-12. Questions or to RSVP, contact: Mandy Buscas, Arts Education Outreach Coordinator, [mandy.buscas@mesaartscenter.com](mailto:mandy.buscas@mesaartscenter.com) or 480-644-6609.

## Teachers Wanted / Jobs

### Central Arizona

ADC member **West Valley Conservatory of Ballet**, Surprise, is searching for a ballet instructor, preferably teaching Vaganova technique. For details, call Stephanie Savage at 623-208-5905 or [admin@wvballer.org](mailto:admin@wvballer.org). View all job descriptions [here](#).

### Southern Arizona

**Music & Dance Academy**, Tucson, is looking for a ballet & modern teacher on Mondays. Call 520-327-2303 or email [nina.tishkevich@maoft.com](mailto:nina.tishkevich@maoft.com) or [tami.bottorf@maoft.com](mailto:tami.bottorf@maoft.com).

ADC member **University Dance Project**, Tucson, needs teachers for jazz, technique, contemporary and hip hop. Call Kathy Thuerbach, Managing Director, at 520-721-7000 or [kthuerbach@cyttucson.org](mailto:kthuerbach@cyttucson.org).

### Out and About

DANCE/USA ~ [Dance Jobs in the Arts](#)

## Resources in Health & Nutrition

### IADMS – International Association for Dance Medicine & Science

[Resource Papers](#) available on a variety of topics: bone health, fitness, adolescent dancers, first aid, etc. Papers may be reproduced for educational purposes provided acknowledgement is given to IADMS.

**Centre for Dance Nutrition** (CDN) affiliated with Atlanta Ballet  
Nutrition for Dancers ~ [web](#) and phone services.

NOTE: When you are submitting information / photos, announcements & events, please include *complete* names of venues, locations, addresses and contact information.



## MEMBER SPOTLIGHT: Del E Webb Center for the Performing Arts

The **Del E. Webb Center for the Performing Arts** is a state-of-the-art 600 seat theatre dedicated to enhancing the cultural and educational richness of Wickenburg and the surrounding communities. The Webb Center opened for its inaugural season in the fall of 2001 and has successfully developed a body of work that includes public performances, educational outreach opportunities, after school classes, a summer arts camp and an extensive artist-in-residence program.

Throughout their 11 year history the **Webb Center** has presented a variety of dance artists to include American Ballet Theatre's ABT II, MOMIX, CIRCA, Aspen Santa Fe Ballet, Ririe-Woodbury Dance Company with David Parsons Dance Company. The Webb Center also enjoys the opportunity to use the *Flying E Guest Ranch* as an artist/live workspace; where artistic companies may stay for up to three weeks to create a new piece of work. The Ranch is used for artist residency programs designed to foster creative, collaborative and performance projects of established performing artists. Each residency is designed to allow artistic companies the opportunity to pursue new projects, mount work or collaborate with other artists, free from everyday pressures. These residencies are intended for individual artists or companies wishing to create a new piece of work or add a piece to their repertoire, in preparation for a tour or, at the minimum, multiple performances. The disciplines eligible for residency include music, dance, theatre and film. Open rehearsals are held and the final work premieres at the Center at the end of the residency.

The Webb Center also offers an **Arts for Kids** program that offers free student performances, in-classroom curriculum based learning, after school programs and a two week summer arts camp for kids. *Camp Imagination* exposes 100 children (grades 1-12) to all of the arts genres (music, dance, theatre and visual arts) encouraging them to explore their creativity and stretch their imaginations. It culminates with a public performance starring all of the campers.

In 2011 the Webb Center was named *Nonprofit of the Year* by **Eight Arizona** and received the *Be More Unstoppable* and *Be More Creative* awards. In 2010 the **West Valley Arts Council** named the Webb Center *Champion of the Arts*. The theater is located on the campus of the Wickenburg High School, 1090 S Vulture Mine Rd. The Box Office location is 2001 W Wickenburg Way, Suite 3. For more information, contact **Cathy Weiss**, Executive Director, at 928-684-6639 or [boxoffice@delewebbcenter.org](mailto:boxoffice@delewebbcenter.org).



*MOMIX Botanica*



*CIRCA*



*State Street Ballet  
Jungle Book*



*Pittsburgh Ballet Theatre  
Pre-professional Division*

### Upcoming Performances

**January 26 - MOMIX "Botanica"** (see Calendar of Events)

**March 15 - CIRCA** - Australia's nine acro-dancers under the direction of Yaron Lifschitz.

**March 30 - State Street Ballet "Jungle Book"** full-length ballet.

**April 29 - Pittsburgh Ballet Theatre** pre-professional dancers present two world premieres by choreographer Viktor Plotnikov and excerpts from their classical repertoire. Tickets are **FREE** with reserved seating (limit 4).

*This Wellik Series performance and residency has been made possible through financial support from the Wellik Foundation.*

## Regional News

### Central Arizona

January 25, Wednesday, 7:30 pm. Mesa Arts Center, Ikeda Theater, 1 E Main St, Mesa.

**Forever Tango** with Anna Trebunskaya. Tickets: \$25-\$45, 480-644-6500.

January 27-28, Friday @ 8 pm, Saturday 2 & 8 pm. Orpheum Theatre, 203 W Adams St, Phoenix.

**Botanica** by Ballet Arizona. Tickets: \$17-\$121, 602-534-5600.

January 28, Saturday @ 7:30 pm. Chandler Center for the Arts, 250 N Arizona Ave, Chandler.

**Ballroom with a Twist**. Tickets \$26-\$48, 480-782-2680

### Southern Arizona

January 7, Saturday, 7:30 pm. Berger Performing Arts Center (Az School for the Deaf and Blind

Campus), 1200 W Speedway Blvd, Tucson. **"Make a Wish" Dance Competition. Obscene Gestures! Dance Crew** hosts a dance competition to raise money for families in need. \$8, \$6 advance \$5 child, free infant. Competing crews include United, Element, Set 4 Life, Sinister Kidz, Elektrolyttlez, Hidden Language, Demolition and The Drop Varsity and Company. Call 820-2262, or visit [ogdance.com](http://ogdance.com) for tickets or more information.

January 8, Sunday, 7 pm. ZUZI! Theater, 738 N 5th Ave, Tucson. \$10-15 (sliding scale). New ARTiculations Dance Theatre and Movement Salon present: **ImprovIsologies: An evening of spontaneous compositions** ~ featuring the internationally-renowned improvisational troupe **The Architects** (with Katherine Ferrier, Pamela Vail, Kathy Couch, and Tucson's own Vicki Brown) and Tucson's very own improv troupe **Movement Salon** (with Lisa Bowden, Vicki Brown, Greg Colburn, Kimi Eisele, Jennifer Hoefle, Katie Rutterer, & TC Tolbert).

### Arizona Commission on the Arts

December 21 **Blog by Bob Booker on Washington: An Arts Advocacy Outlook**

The National Endowment for the Arts recently announced its FY2012 Art Works and Challenge America Fast-Track grant recipients. Eight Arizona arts organizations received funding from these two programs, totaling \$85,000. Four Arizona organizations received Art Works grants; Arizona State University, Grand Canyon Chamber Music Festival, Tucson Symphony Society, and the Wickenburg Foundation for the Performing Arts (aka **Del E. Webb Center for the Performing Arts**). Four Arizona organizations received Challenge America Fast-Track Review Grants; Borderlands Theater Teatro Fronterizo, Inc., Cochise County Community College District (aka Cochise College), Tucson Sino Choir, and the West Valley Fine Arts Council. Arizona grant recipients of the Art Works and Fast-Track funding make up 8 of the 985 grants awarded.

**Bob Booker**, Executive Director of the Arizona Commission on the Arts, urges Arizona arts organizations to apply in the upcoming application cycles of the National Endowment for the Arts: *"After serving on a review panel for the NEA myself, it is clear that Arizona arts nonprofits would be strong competitors for these national arts grants. But we continue to hear from our federal partners that*

## Regional News continued

*Arizona arts organizations are not applying in significant numbers. Arts Commission staff is available to provide technical support and to answer questions curious organizations might have about the National Endowment for the Arts' application processes, and we encourage all potential Arizona applicants to use us as a resource. We know Arizona's arts nonprofits are contributing brilliant work and service to their communities, and could make great use of NEA grant funds – but to even have a chance at accessing those funds, they must first apply.”* For more information about grant programs of the National Endowment for the Arts, click [here](#).

The **FY 2013 Grants for Arts Projects** guidelines will be posted in January. Deadlines: Art Works – March 8 and August 9, 2012; Challenge America – May 24, 2012.

The **FY 2012 Our Town guidelines** have been posted. Deadline: March 1, 2012.



### Photo of the Month

Dancers *Angel Crissman & Jardon Derrick*

Choreographer *Julie Akerly*

Photo by *Tim Trumble*

*Will be performing in CONDER Dance: Breaking Ground 2012*

*Arizona Dance e-Star* Editor/Designer, Krystyna Parafinczuk

Contributors: Marlina Kessler, Cathy Weiss, Laverne Berry & Joshua R. Bressler

## Ask the Attorneys: Contracts\*

### Why Attorneys Want You to Have Contracts

All attorneys want clients — and all attorneys want their clients to have contracts. While the good contract sets out the who, what, where, how, and how long, it also provides for what do you do if the what, why, how and how long are not fulfilled. As much as the actual piece of paper is important, the thinking that goes into getting to the paper is even more important. If you are going to create a contract and even if you are not, you need to work through the points that are usually included in a contract.

For example, you are a burgeoning theatre group and you want to rent a theatre space for a month long series of weekend performances. You approach someone in the office of the theatre. They take you on a tour of a large theatre, a small theatre and some rehearsal space. You make a deal to rent the small theatre for \$200. You are enough of a negotiator to only pay \$100 now and \$100 on the last day of performance. (You need the box office!) You feel like you have covered your bases, but what kind of contractual thinking haven't you done?

Let's start with the who. In the contract world we call that "the parties." On your side, are you renting the space for yourself or are you doing it for your group? If you get hit by a bus, will your co-writer, co-creator be able to step into your shoes or does the theatre owner look to you as the only entity who has a \$100 deposit? On the theatre side, who are you dealing with? Can this theatre actually rent out space to others? Can they "warrant" (as we say in the law business) that they have the right to do so, or do they have a lease where only they can occupy the space? Making sure you have the right parties who can make an agreement is always important.

So now let's talk about the what. You rented a small theatre for weekend performances. What does that mean? Does it mean you only get that theatre space from 8 to 10, do you get it all day on Saturday and Sunday? Do you get the opportunity to use the rehearsal space? If you have scenery, do you have to break it down every Sunday and put it back up Saturday afternoon? If you do have to break it down, can you store it there or do you have to haul it away? Have you made assumptions about the sound system and the lighting grid? Are you sure that the set up, the way you saw it, is the way it is going to be delivered to you? In a comprehensive contract, all those things would be included.

So even if you've made a deal with your best friend with a handshake, make sure you've used your contract thinking to answer:

the who; the what; the where; the how; and the how long.

Next time: There is no "something for nothing."

\*December 7, 2011 *Fractured Atlas* blog series. *This blog post provides general information about the law and should not be considered legal advice. Please consult with a lawyer to obtain advice about how the law impacts your particular situation.*

*About the Author: Laverne Berry is an entertainment and media business affairs attorney. She was admitted to the bar in 1996 after having worked as a television producer and media business executive for 18 years. As an attorney, she represents on-air talent, independent producers, television and film production companies and cable networks. She is President of the Board of New York Women in Film and Television, is counsel to the Women's Film Preservation Fund and a member of ABA Committee on Alternative Dispute Resolution in the entertainment industry.*

## Ask the Attorneys: Something for Nothing\*

“You get what you paid for,” “there’s no free lunch,” “free advice is worth exactly what you paid for it.” At some point, some friend or family member has said each of these things to you, or you have said it to them. And, they’re times and situations when each of the statements above are true. No place is the concept that “you don’t get something for nothing” more true than when putting together a contract.

If you are the producer, director, project manager or organizer of a creative project with a limited budget, I’m sure you feel there is nothing better than working out a deal where someone will work on your project for free. The offer of free editing, or props, or space, or set design work is music to your ears when you’re trying to find enough in the budget to get everything done. So, when someone volunteers to do something for free, you jump at the chance and write an agreement that goes something like this: “Mary will edit Joe’s Fabulous Project. Mary will provide 25 hours of editing using her own editing equipment (the “Services”). The Services will be complete and a finished master will be delivered to Joe no later than April 15, 2012. The fee for the Services will be \$0.”

Unfortunately this doesn’t work.

The idea of a contract is that everyone gets something. If Mary edits for Joe, Mary needs to get something in return. This is called consideration. When disputes arise down the line, contracts can be invalidated because there is no consideration. Someone got something for nothing.

That’s why in many contracts you see the lawyer speak phrase of “For Ten Dollars (\$10.00) and other valuable consideration, the sufficiently of which is hereby acknowledge.” This is an attempt to make sure Joe, as a owner of the project is paying something for something.

What you give as consideration has to be of value, but it doesn’t have to have the same retail value as the service or product. And, it is possible for many things (in addition to money) to be considered valuable consideration under the law. So, if Joe doesn’t have enough in the budget to make a monetary payment, he should find other consideration to exchange. Joe can “pay” Mary by providing credit on film, tickets to all industry screening for Mary and her family and/or the right for Mary to use excerpt of the film for her promotional reel.

At a later point, we will talk about deferred compensation, but for today, just remember you get what you pay for. So if you create a contract where you pay nothing for something, at the end of the day that’s just might be what you get — nothing.

Take aways:

- \* Use a contract when hiring folks even if you are not going to pay them a monetary fee.
- \* Agree to, and acknowledge the non-monetary consideration in the contract.

\*December 8, 2011 *Fractured Atlas* blog series. *This blog post provides general information about the law and should not be considered legal advise. Please consult with a lawyer to obtain advice about how the law impacts your particular situation.*

*About the Author: Laverne Berry is an entertainment and media business affairs attorney. She was admitted to the bar in 1996 after having worked as a television producer and media business executive for 18 years. As an attorney, she represents on-air talent, independent producers, television and film production companies and cable networks. She is President of the Board of New York Women in Film and Television, is counsel to the Women’s Film Preservation Fund and a member of ABA Committee on Alternative Dispute Resolution in the entertainment industry.*

## Ask the Attorneys: Intellectual Property & the Web - Part 1\*

You have an original idea for a web series and you think the show can achieve internet viral fame. One of your main concerns is making sure no one else steals your creation. That is where intellectual property law comes into play. Before you become the next Rebecca Black, learn about your rights.

First, you need to understand the intellectual property (IP) rights available to you. Then, you can determine how to protect those IP rights. Being proactive about your rights is your best line of defense as a creator. In two posts, we'll teach you how to consider some key issues concerning your online IP.

Understanding your IP rights:

- Your original video creation is automatically protected by copyright once it is recorded onto a tangible medium such as a video, or an AVI, or a MOV, computer file. However, the idea or concept of your video is not protected. What is your property is your expression of the idea or concept.
- Generally, if you are the author or creator of the video then you are the copyright owner of the video creation. However, if you are an employee working within the scope of your employment when creating the video (for example, you were hired as a video production staffer), then generally your employer is the copyright owner.
- Generally, an independent contractor (i.e., one who is not an employee) owns copyright in his or her works created for others unless an agreement in writing provides otherwise - even if the independent contractor receives payment for the work.
- Other persons contributing as co-authors to the video generally share copyright ownership of the video, absent a written agreement to the contrary.
- Each completed video for your web series is protectable by copyright. Individual elements of the video also might be protectable on their own.
- Ensure that you have sufficient rights to use any elements created by others and incorporated into the video (e.g., script, music, effects, performances, etc.) - preferably before production, and certainly before display and distribution. You can license rights to use others' works if they agree to do so. Those license agreements also should be obtained in writing.
- Copyright "fair use" allows you to use others' protected work without permission in certain cases - but be sure that it applies in your case if you intend to rely on it.
- Just like you want to protect your original work, respect the work of other creators. If you do not have permission to use Lady Gaga's "Born This Way" in your video then you can be liable for copyright infringement. The main lesson is to keep everything used in your video creation as original as possible, or get the permission to use it.

\*December 6, 2011 *Fractured Atlas* blog series. *This blog post provides general information about the law and should not be considered legal advice. Please consult with a lawyer to obtain advice about how the law impacts your particular situation.*

*About the Author: Joshua R. Bressler is an intellectual property attorney at Bressler Law PLLC. He is a strategic business attorney who helps develop, leverage and protect the integrity and value of intellectual property, creative works and results of innovation. He works with a wide range of established companies, entrepreneurs and investors.*  
*Shanece Taylor is a student intern at the entertainment law firm of Hrbeek Law LLC.*

## Ask the Attorneys: Intellectual Property & the Web - Part 2\*

You have a script, a video camera, and a great performance to launch your web series. You've also read Part 1 of this article, and now understand the basics of your intellectual property (IP) rights. Follow these steps to ensure that your new creation is properly protected.

Protecting your IP rights:

- You are not required to register your video creations with the U.S. Copyright Office, but there are multiple benefits for doing so. Among other benefits, copyright registration provides evidence of your copyright ownership.
- Uploading your video content for your web series onto social media websites such as Facebook.com and Youtube.com does not mean that you are relinquishing your copyright ownership. Instead, you are granting these websites a license to use, display and store that content in connection with the services that they provide.
- Always be sure to review a website's Terms of Service before uploading your content, since deleting your content from your account usually does not terminate all of the website service's rights to your content.
- Familiarize yourself with takedown procedures of various sites such as Youtube.com in case another user uploads your video without your permission.
- Include a prominent copyright notice in the first few seconds of the video itself, and also on the website, profile page or video description section where you plan to upload your video content for your web series. This notice also can specify your terms of use for what actions (e.g., downloading) are allowed by viewers. You can also provide your contact information in case a viewer is interested in using your video.
- A proper copyright notice is as follows (but remove the square brackets):  
© [Year of first publication] [Owner name]. All rights reserved.
- Use written contracts when working with other people. Before the filming begins, all contributors should reach a written agreement that clarifies who will own copyright to which components of the completed video creation. In short, decide who owns what and get it in writing.

Remember these key takeaways as a content author:

1. Protect your own rights
2. Respect others' rights
3. Have a written agreement in advance with everyone who contributes to your work

\*December 28, 2011 *Fractured Atlas* blog series. *This blog post provides general information about the law and should not be considered legal advice. Please consult with a lawyer to obtain advice about how the law impacts your particular situation.*

*About the Author: Joshua R. Bressler is an intellectual property attorney at Bressler Law PLLC. He is a strategic business attorney who helps develop, leverage and protect the integrity and value of intellectual property, creative works and results of innovation. He works with a wide range of established companies, entrepreneurs and investors. Shanece Taylor is a student intern at the entertainment law firm of Hrbeke Law LLC.*

**2011 *Arizona Dance e-Star* Index****Member Spotlight**

January - University of Arizona UApresents

February – Scottsdale Center for the Performing Arts

March – Arizona State University Gammage

April – Golden Lion Productions Inc

May – Krystyna Parafinczuk / National TAP Dance Day Celebration

June – Desert Dance Theatre

July – Grupo Folklorico I'naru

October – Center Dance Ensemble

November – Arizona State University Herberger Institute School of Dance

December – Canyon Movement Company

**Lifetime Achievement Award Winners**

June – Nian Cadman-Dake received the LAA on May 21, 2011 at the Sounds of the Soles of the Southwest performance in Tucson (National TAP Dance Day Celebration). Custom award was created by artist Joe Bourne.

July – Marion Kirk Jones received the LAA on June 4, 2011 in a special concert on her behalf produced by Desert Dance Theatre entitled Cool at 90! Award was created by master sculptor John Henry Waddell.

**Photo of the Month**

January – Art.If.Act Dance Project by Ed Flores

February – Sister Moses by Heather Hill

March – Beauvais Ballet by Heather Hill

April – JoAnn Gentry, Tucson Prunes, by LaCorte Photography

May – Yumi La Rosa & Nannette Brodie Dance Theatre by Heather Hill

June – Hilary Tone & Jeff Bacigalupo, Tucson Dance Academy, by LaCorte Photography

July – Art.If.Act Dance Project in China, courtesy of Ashley Bowman

September – Desert Dance Theatre, Let Go, by Heather Hill

October – Danza Mexica Cuahtemoc by Steven Meckler

November – Human Nature Dance Theatre by Heather Hill

December – Frances Cohen Smith's Snow Queen by Tim Fuller

**Articles**

January – Advocacy for Dance by Lynn Monson

February – Dance Performance teaches U.S. History by Lisa Chow

March – Budgets – How One Small Nonprofit Made Cuts by William Grassie

April – Why Marketing Matters by Adam Huttler

May – How Copyrightable Ballets Began with Balanchine

June – Arizona Town Hall on Arts & Culture Final Recommendations

## 2011 *Arizona Dance e-Star* Index

July – The Great American Dance Tour in China by Ashley Bowman  
 September – Why Resumes Get Deleted: Job application Basics for Artists & Arts Professionals by Ciara Pressler  
 October – Expressing Living Traditions and Uniting Community Through Folk and Ethnic Dance by Mia Hansen  
 November – 8 Grant Writing Myths Busted by Joanne Fritz  
 December – Corporate Sponsorship or Taxable Advertising? by Ellis Carter

### **Costume Tip by *Marlina Kessler***

January - Anti-static liquid fabric softener solution  
 February – Washable Crayola markers decorate costumes/I.D.  
 March – Glue Dots to apply rhinestones and sequin  
 April – Hardware stores inspire costume ideas  
 May – Circle skirt tutorial  
 June – Use 1” square graph paper as a guide for cutting straight lines/fringe  
 July – Dye tip with acrylic paints and Kool-Aid  
 September – Weaving tutorials to change leotards/t-shirts  
 October – Backstage organization: laundry basket/bath mat  
 November – Cheap vodka cleans costumes & more  
 December – Vinegar sets dye color & more

### **Soma Tip**

January – Calf Pump a.k.a. Skeletal Muscle Pump

### **Business Tip**

February – MailChimp e-list manager  
 March – Nonprofit board meeting minutes documentation  
 April – Understand the dance audience  
 May – Backup files on external drives and offline storage  
 June – Use imagery in fundraising pitch  
 July – SYTYCD spoiler blog  
 September – CD Baby music source  
 October – TuneFind.com / TV & movie song search  
 November – Funder’s Grant Tips  
 December – Amazing Slow Downer app

**Out-of-State AUDITION - Dance Theater of Harlem to Start Auditions for Revived Troupe**

Dance Theater of Harlem closed its company in 2004. Theater officials on Wednesday, December 19, announced the start of auditions to create a new stripped down troupe of 18 dancers, which will begin rehearsing in August and touring in October and aims to return to a New York stage by April 2013. In an unusual move for a dance company, prospective members can post audition videos online, at [dancetheatreofharlem.org](http://dancetheatreofharlem.org). Finalists will be called in for live auditions. When Dance Theater of Harlem's professional company ceased operations in 2004, it had some 44 dancers. Read **NY Times** article [here](#).

**COSTUME GLITTER APPLICATION TIP**

by Marlina Kessler

For quick, temporary glitter application, spray some *super hold* hairspray, add a splash of glitter & re-spray. It will hold until washing. Super hold hairspray can also control fraying fabric as well as hold runs in tights. But it is only to be used as a quick fix. It will wash out when it gets wet.

**SOMA TIP**

by Krystyna Parafinczuk

The **Morter March** (B.E.S.T. chiropractic technique) is an exercise that improves neurological *balance* and *re-times internal communication* by extending large muscle groups and their joints through a full range of motion. Lunge forward (back heel on the floor par'l), reach arms diagonally (opp), turn your head sideways towards the upstretched arm, close the eye furthest away (ex. R arm up, head turns R, close L eye), take a deep breath and hold for 5-10 seconds, reverse, repeat 3-4X. 2X daily.

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or snail mail / click on the icon to download application

**Board Members are needed** with expertise in organization & event planning, marketing/graphics, writing and computer/website maintenance.

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**Arizona Dance Coalition**, PO Box 64852, Phoenix AZ 85082-4852  
[AzDanceCoalition.org](http://AzDanceCoalition.org),

**Lisa Chow**, President (Central Az), [Lisa@AzDanceCoalition.org](mailto:Lisa@AzDanceCoalition.org)

Office: 480-962-4584; Fax: 480-962-1887; Cell: 602-740-9616

**Krystyna Parafinczuk**, Treasurer (Southern Az)

[Krystyna@AzDanceCoalition.org](mailto:Krystyna@AzDanceCoalition.org), 520-743-1349, call first to send fax