



Now More Than Ever: Towards a National Network of Legal Clinics for the Arts

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REPORT COMPILED BY:



PROJECT LED BY:



WITH THE ADVISORY COMMITTEE

- Amirali Alibhai** Head of Performing Arts for the Aga Khan Museum
- Zoë Cunningham** Executive Director of Songwriters Association of Canada (on leave)
- Bernard Guérin** Director General of the Regroupements des Artistes en arts Visuels du Quebec
- Jeanne LeSage** LeSage Arts Management
- Kenji Maeda** Executive Director of the Greater Vancouver Professional Theatre Alliance
- Tara Mazurk** Senior Consultant, Cultural Industries, Global Public Affairs
- Byron Pascoe** Entertainment Lawyer with Edwards Creative Law, Board Liason ALSO
- Daniel Pink** Director, ALAS Board and Co-Founder ALIS
- Martha Rans** Lawyer, Co-Founder and Legal Director ALO
- Charles C. Smith** Executive Director of Cultural Pluralism in the Arts Movement Ontario
-

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Executive Summary

NOW MORE THAN EVER: URGENCY OF LEGAL NEEDS IN THE ARTS AND WHAT CAN BE DONE ABOUT IT

Legal issues touch on all aspects of an artists' practice and require a specialized understanding of the sector. However, most Canadian artists' earnings continue to hover at poverty levels and specialized legal services are beyond their financial reach; a situation dramatically worsened by COVID-19.

In order to thrive in the 21st century, artists in all disciplines need to understand the laws relevant to the creation, cultivation, and remuneration of their work. As the artistic landscape continues to be shaped by technologies that offer new ways of creating, consuming, and distributing art, the need for legal literacy is becoming integral to a sustainable and successful artistic practice.

“My work has been ripped off... and sold on postcards without my permission, and working globally means I need to know art transport laws (was defrauded by the... government who held my work hostage after a residency there). These are different legal needs to most average citizens.”

“We cannot control who shares our work, or get paid for the “shares”. Almost everyone has a phone with a camera and can record our live performances and “share” them on their social media; artists are not paid for their work and have no control over its use.”¹

In recognition of this increasing complexity, coupled with the lack of legal education and training available to artists, the Standing Committee on Canadian Heritage made a number of recommendations in its 2019 report *Shifting Paradigms* that asks the Government of Canada to increase copyright supports for artists and creators, including the creation of educational materials for artists to raise awareness of copyright provisions as well as artists' rights and responsibilities under the *Copyright Act*. The report also asks for increased support for creators and creative industries to adapt to new digital markets.² However, access to effective and timely legal information and support frequently remains outside of the financial or geographic reach of many artists and arts organizations, putting them at risk. As a survey respondent put it succinctly:

“An artist without legal means can suffer real loss.”



MAIN AREAS IN WHICH ARTISTS REQUIRE LEGAL ASSISTANCE

- Copyright (including issues specific to Indigenous artists and arts practices)
- Operating as a small business
- Contracts
- Employment issues (including harassment)
- Privacy
- Defamation

¹ All quotes cited in this format are from respondents to the national survey conducted as part of the Needs Assessment (February-March 2020). For the purpose of this Report all references to “artists” include all who create artistic work regardless of discipline. The term “arts organizations” includes industry associations, guilds, and unions.

² Reports published 2019 as part of the parliamentary review of the Copyright Act:
<https://www.ourcommons.ca/Content/Committee/421/CHPC/Reports/RP10481650/chpcrp19/chpcrp19-e.pdf>
<https://www.ourcommons.ca/Content/Committee/421/INDU/Reports/RP10537003/indurp16/indurp16-e.pdf>

To better understand the gap in access to legal services, a group made up of members from several existing legal clinics for the arts,³ as well as lawyers currently working with artists, initiated a systematic national legal needs assessment of Canada's arts sector (the "Needs Assessment"). The Needs Assessment incorporated findings from an extensive national survey, regional focus groups, and individual local interviews.

1. The Needs Assessment showed a **substantial unmet need** for legal services for artists and arts organizations and the **negative economic impact** of not being able to access legal services from qualified lawyers.
2. In addition, the Needs Assessment revealed a **significant untapped demand** for legal services by artists and arts organizations that could have been addressed if they lived in an area served by a legal clinic or had been aware of a legal clinic in their area. The **lack of awareness** of legal clinics is primarily due to legal clinics being under-resourced, volunteer-run, and without marketing budgets to conduct the necessary outreach.
3. The **impact of COVID-19** has made the need for legal services more pressing: (i) artists and arts organizations are faced with new and complex legal issues, including contract cancellations, liability and insurance, employment and landlord/tenant; and (ii), a catastrophic loss of income due to the pandemic rendering most legal services beyond artists' financial capacity.

An expansion of the existing legal clinics for the arts is urgently required in order to meet the current and future needs of the arts sector. Based on the findings of the Needs Assessment, the clinics' teams are excited and optimistic about the emergence of **A National Network of Legal Clinics for the Arts** that can provide artists across Canada with better access to legal services.

Artists' Legal Literacy

The Needs Assessment showed that

94% OF ARTISTS FEEL STRONGLY THAT THEY ARE FACING UNIQUE LEGAL NEEDS

The vast majority also feel strongly that they lacked information and training on the legal issues related to their work, and that they had inadequate access to legal services.

Legal considerations work their way into all aspects of an artistic practice.

Artists told us they require legal services that can help them address their **discipline-specific issues**. The Needs Assessment confirmed that the majority of respondents did not have access to a lawyer specializing in the arts or could not afford legal services. These findings are unsurprising, given the low earnings of most artists in Canada.⁴

“ I live in a small city, and the lawyers in town do not specialize in IP or advising artists of ways to protect their income; and if they did, most artists couldn't afford it.”

“ Most artists are working below the poverty line and can't afford an entertainment lawyer along the way.”

³ Artists Legal Advice Services (ALAS) in Toronto; Artists Legal Outreach (ALO) in Vancouver; Artists' Legal Services Ottawa (ALSO).

⁴ The report compiled by Hill Strategies (November 2019) states that a main component of total income, for most workers, is employment income (including wages, salaries, and self-employment earnings). A typical artist has employment income of \$17,300, a figure that is 56% lower than the median of all workers (\$39,000). <https://hillstrategies.com/resource/statistical-profile-of-artists-in-canada-in-2016/>

“ When a theatre company produced my show, and paid me no royalties, I couldn’t afford a lawyer.”

“ It is cost prohibitive. You could easily blow a whole budget on getting contracts professionally drawn up.”

Artists consistently described **contract violations** and “**intellectual theft**” as a major preoccupation of the sector:

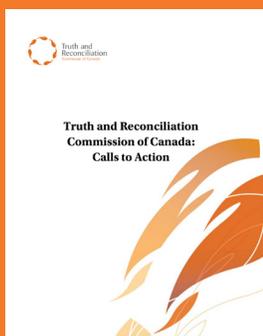
“ Huge potential for exploitation by agents and publishers, risk of plagiarism and property theft online and across borders, very limited knowledge for navigating these issues within the Canadian artist community.”

“ Huge issues in the digital age is theft of intellectual property / copyright infringement. I found it impossible to find an affordable IP lawyer to assist when my work was used without authorization.”

“ I personally have had my design concepts stolen by a company to which I was applying for a position. I submitted my portfolio with my application. My idea/concept was copied and put on store shelves 3-4 months after the application deadline. ”

“ As a creator, I need legal advice as contractual agreements are not necessarily understood outside my industry.”

“ From artist work [...] contracts and violations to “gig” contracts, there is never enough money to have a lawyer act as an advocate.”



THE CALLS TO ACTION OF THE TRUTH AND RECONCILIATION REPORT⁵ WERE ECHOED IN MANY COMMENTS MADE BY RESPONDENTS TO THE NEEDS ASSESSMENT. There was considerable uncertainty on how to integrate **Indigenous practices and protocols** into artistic practices. Survey respondents also voiced concerns around: (i) the inclusion of appropriation of Indigenous knowledge into current copyright framework; (ii) how to treat Indigenous forms of artistic practice in the context of intellectual property rights; and (iii) the tax questions specific to Indigenous artists.

“ [Need to know] how to protect Indigenous culture community rights and communal cultural wealth distribution traditions.”

“ Include appropriation of Indigenous knowledge into current copyright framework.”

“ If you live in town but start a business on-reserve where you are creating art - do you have to claim any taxes? How does it work for expenses if you are on-reserve?”

Canadian artists and arts organizations are, in 2020, also faced with new and complex legal issues resulting from cancellations and closures due to **COVID-19** containment measures.

⁵ The TRC Calls to Action include numerous references to the importance of developing nationally networked programs in areas such as Education, Language and Culture, Museums and Archives, Business and Reconciliation, all of which would benefit from and be influenced by a National Network of Legal Clinics. http://trc.ca/assets/pdf/Calls_to_Action_English2.pdf

Innovation in Legal Service Delivery

Low-cost or free legal services for Canadian artists and arts organizations are mainly provided by specialized legal clinics, of which there are only six across Canada.⁶ Artists who participated in the Needs Assessment indicated that the most in-depth information and consultation they had received was provided by legal clinics; and those who used a legal clinic were very satisfied with the support received.

Responses across the board (including from National Arts Service Organizations, guilds and industry associations) suggest that a legal clinic is the preferred model for accessing legal services.

“ They were able to look over a contract for me and explain in basic terms what I would be signing away and helped show me some ideas to counter offer.”

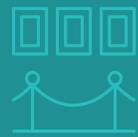
“ It helped me decide what legal steps I should take.”

“ Answered all of my questions clearly and forthrightly.”

“ I was able to speak with lawyers on two occasions. Highly relevant to my artwork.”

COVID-19

The existing legal clinics are able to be proactive and provide a nimble and effective response in times of crisis, as demonstrated by recent assistance provided by the ALO clinic in Vancouver during the COVID-19 pandemic:



A small nonprofit artist-run gallery could not pay its rent. The legal clinic was able to secure a pro bono lawyer to meet with the client to provide advice.



A webinar was held on commercial tenancies, which included a sample rent deferral agreement; this document was subsequently downloaded dozens of times.⁷

The Needs Assessment also indicated **significant challenges** faced by the existing legal clinics. Findings indicated that they are **operating in isolation** with little to no funding. The legal clinics that did receive funding are **under-funded**; with funding sources frequently dedicated to local issues, so that funds cannot be used for inter-municipal or inter-provincial projects that would benefit the entire arts sector. Despite serving the arts sector, legal clinics are - for the most part - not eligible for provincial or federal arts funding, in particular, core or operating funding. This means legal clinics are **almost entirely volunteer-run**, placing the burden of gathering support and funding squarely on the shoulders of local volunteers.

Additionally, legal clinics are **not able to allocate funds to promote** their services, limiting awareness of what services are available.

“ We need to find these services as they are not readily available. There is no communication/promotion and information on how to access them.”

“ Our [municipal] Arts Council gets many questions on this and we don't have a place to send those who ask.”

The arts sector urgently needs a strategic initiative that is national in scope to address the current gaps in legal education and services for artists and arts organizations.

⁶ The 6 are: Artists Legal Advice Services (ALAS) in Toronto; Artists Legal Outreach (ALO) in Vancouver; Artists' Legal Information Society (ALIS) in Halifax; Artists' Legal Services Ottawa (ALSO), Visual Artists Legal Clinic Ontario (VALCO) in Toronto; and La Clinique Juridique des Artistes de Montréal (CJAM).

⁷ Information obtained from the ALO.

Readiness for Expansion

The Needs Assessment confirmed the demand for access to legal services through **A National Network of Legal Clinics for the Arts**.

- Almost all respondents were interested in seeing a legal clinic in their own region.

The Needs Assessment enabled connections to be made with prospective collaborators interested in setting up a National Network of Legal Clinics for the Arts:

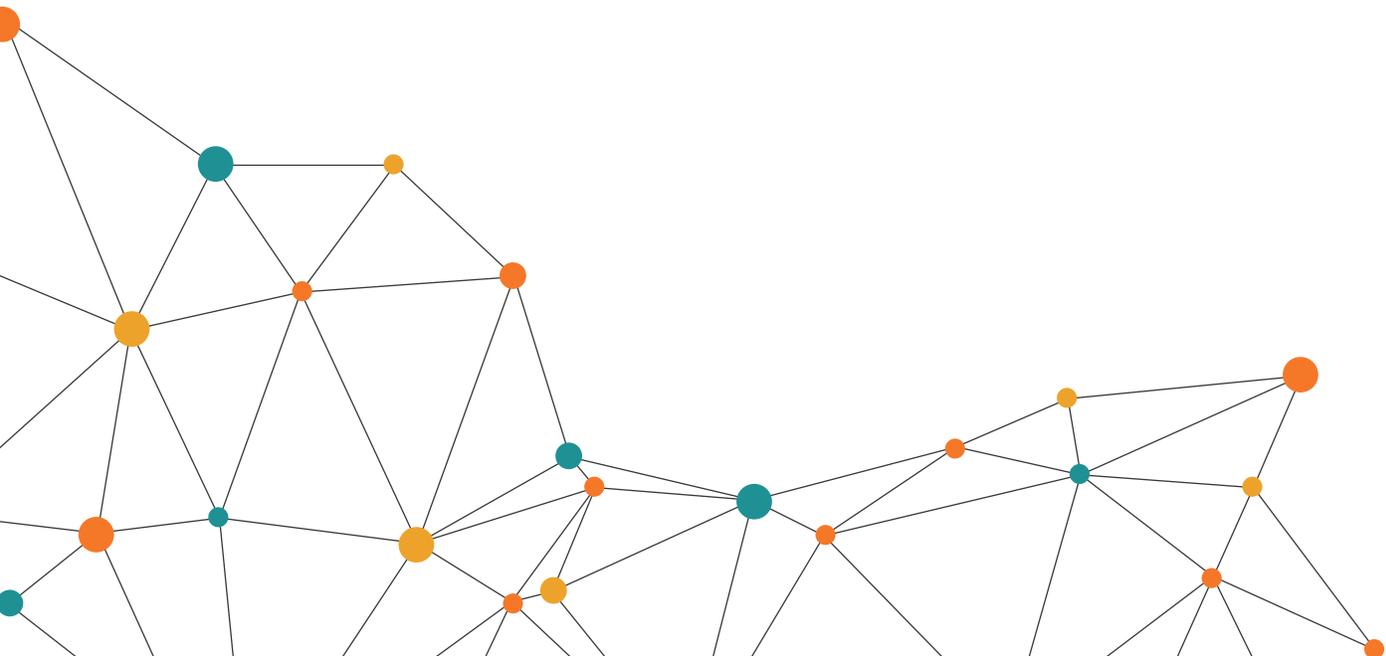
- Three of the existing legal clinics – Artists Legal Outreach (ALO), Artists' Legal Services Ottawa (ALSO), and Artists' Legal Advice Services (ALAS) – are currently working together and will continue to drive the process.
- Several National Arts Service Organizations (NASOs) from diverse arts disciplines were brought to the table early in the planning process and were included in the focus groups and survey.
- Key individuals from the arts and culture sector eager to see an expansion of the legal clinics' services have been identified in each of the prairie provinces (including lawyers, arts service organizations, and faculties of law), in the North, and in the Maritimes.
- 70% of lawyers not already involved in a legal clinic are interested in doing so in future.

A National Network of Legal Clinics for the Arts leverages the existing clinics' work and relationships with a focus on:

(i) ENHANCING regional-specific content and services,

(ii) IDENTIFYING emerging legal issues such as those identified by indigenous artists and arts organizations (e.g. needs requiring advocacy, need for law reform, need for sector-wide assistance); and

(iii) FACILITATING the delivery of innovative legal information, education, and advice from coast-to-coast-to-coast.



1. Introduction

The Standing Committee on Canadian Heritage's 2019 report *Shifting Paradigms* specifically calls on the Government of Canada to increase copyright supports for artists, including the creation of educational materials relating to artists' rights and responsibilities under the *Copyright Act*.

While some amazing work has been done across Canada for the past 30 years, the bulk of legal services for artists is only available to those in major cities where lawyers, with support from volunteer law students, have been providing limited legal information, education and summary advice to artists and arts organizations.

There are currently six legal clinics in Canada.⁸ They provide critical support to artists and arts organizations. Since each legal clinic's creation, they have offered significant learning opportunities for the sector including extensive online information resources, educational workshops and conferences, and pro bono summary legal advice with volunteer lawyers. The legal clinics' support has been greatly appreciated by the arts community.⁹

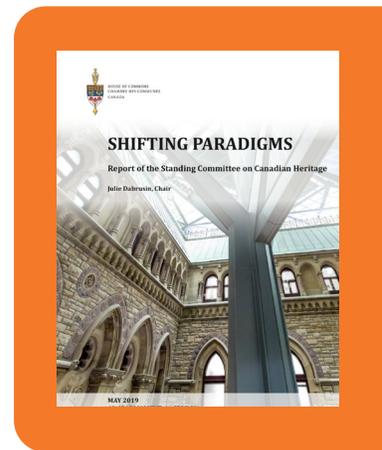
As the digital revolution changes how artists create and distribute art, complex legal issues emerge. This has left artists facing an ever-growing list of legal issues, which touch on all aspects of their practice.¹⁰ COVID-19 has exacerbated these tensions and highlighted the urgent needs.

Informed artists in any discipline will have a greater likelihood of achieving success and attaining financial stability in an increasingly uncertain world. A National Network of Legal Clinics for the Arts will help artists make better decisions about their work and careers, increase stability across professions, and help all artists to understand the remunerative value of the work that they produce.

The existing legal clinics have known for some time that their level of services are not meeting the actual needs of artists and arts organizations in Canada. ALO, ALSO and ALAS came together in 2019 to identify current unmet needs within the delivery system of legal services for the arts in Canada, and to identify opportunities for a model of national collaboration to expand services and reach. This report documents this process and describes the findings and analysis of the needs assessment as well as the primary (qualitative and quantitative) and secondary research. It concludes with a set of recommendations designed to ensure access to legal services for artists and arts organizations across the country, enabling them to confidently navigate the complicated legal landscape of the arts sector.

What about COVID-19?

Cancellations and closures due to COVID-19 are having a catastrophic impact on the Canadian arts sector,¹¹ which is worsening artists' already precarious living conditions and is increasing the urgency of their legal needs. While much of the evidence is anecdotal at this point, it can be said that contracts, employment, commercial rent relief, and human rights are among the concerns reported most frequently.¹² Our recommendations take into account the legal issues artists and arts organizations are reporting due to the current pandemic.



⁸ The six clinics are described in further detail in Appendix 6.3.

⁹ CARFAC's 2010 National Artists Legal Needs Survey (on file) found that 88% of participants in a legal clinics' initiatives found them beneficial. The 2020 online survey reinforced this conclusion.

¹⁰ <https://www.lawtimesnews.com/resources/practice-management/lawyers-help-artists-with-unique-legal-needs/263075>

¹¹ | Lost My Gig Canada (founded on March 15, 2020; incubated by ArtsPond / Étang d'Arts) recently deployed the public COVID-19 Impact Survey for Arts, Culture, Heritage, Tourism & Creative Industries Workers at <https://ilostmygig.ca/covid19-impact-survey-spring-2020/>. The Canada Council for the Arts has sent a survey to approximately 30,000 of its clients (artists, groups, and organizations) on <https://canadacouncil.ca/research/april-2020-covid19-client-survey>.

¹² These conclusions are based on the feedback from participants in webinars offered by the ALO as well as Social Media posts (e.g., Facebook group "I lost my gig").

2. Methodology

This project was initiated by three legal clinics in Canada: ALO, ALSO and ALAS. Together with other interested lawyers from across the country, a meeting was held in November 2019 to discuss the legal needs of Canada's arts & culture sector and begin the process of analyzing how the clinics might work better, together. This gathering, together with an evening spent with leaders of National Arts Service Organizations (NASO's), informed the development of a formal needs assessment of the arts & culture sector, initiated in January 2020, guided by an experienced Advisory Committee.¹³

Primary research was conducted to identify existing services and identify areas for improvement. To ensure that there was sufficient input provided from across the country and by artists of all disciplines, an in-depth online survey in both official languages was distributed across the country between February and March 2020.¹⁴ Focus groups with arts service organizations were held in Toronto, Ottawa, and Vancouver. As well, interviews were held with francophone arts service organizations in Quebec. **Secondary research** assessed the current legal landscape available to artists and arts organizations seeking legal information, education, and advice in every province in Canada.

3. Unmet Legal Needs: Findings from National Survey and Regional Focus Groups

- Respondents consistently described copyright, contracts, and digital privacy issues as the major preoccupations of the arts & culture sector. Other critical areas of interest included respectful workplaces, employment, and business-related issues.
- Online (web-enabled) access was identified as the principal mode of access to legal information for both artists and arts organizations.
- **While government materials are important resources, approximately half of the artists and arts organizations had not accessed them.**
- The survey confirmed that the expansion of existing services would be important in order to meet legal needs in the sector.
- Artists and arts organizations agreed that an independent multidisciplinary legal clinic model is preferred.

A review of the results must consider that the primary research (online survey and focus groups) for this Needs Assessment was undertaken at the beginning of 2020. Since that time, the COVID-19 global pandemic has only exacerbated the need for artists and arts organizations to have access to legal advice especially as it relates to issues like commercial tenancy, layoffs/unemployment, contract cancellations and other matters. The pandemic and its effects promise to be with us for a significant period of time and the success of the people who work in the arts sector will greatly benefit from A National Network of Legal Clinics for the Arts.¹⁵

¹³ Please see Appendix 6.1 for the biographies of the Advisory Committee Members.

¹⁴ For details on design, content and distribution, please refer to Appendix 6.2. The questions can be found: [Artists Needs Assessment Survey](#)

¹⁵ PLEO (ALO's home society) offered its first online legal information clinic related to the pandemic with more than 63 participants. It's latest had 600 registrants. To date, more than 600 organizations have participated in the continuing clinics - a 100% increase from 2019.

3.1. Online Survey

The survey was conducted in both official languages between February 10 and March 10, 2020.

A total of **1,154 people from across the country** responded to the survey.^{16, 17}

- Artists: 874
- Arts organizations: 225
- Lawyers: 55

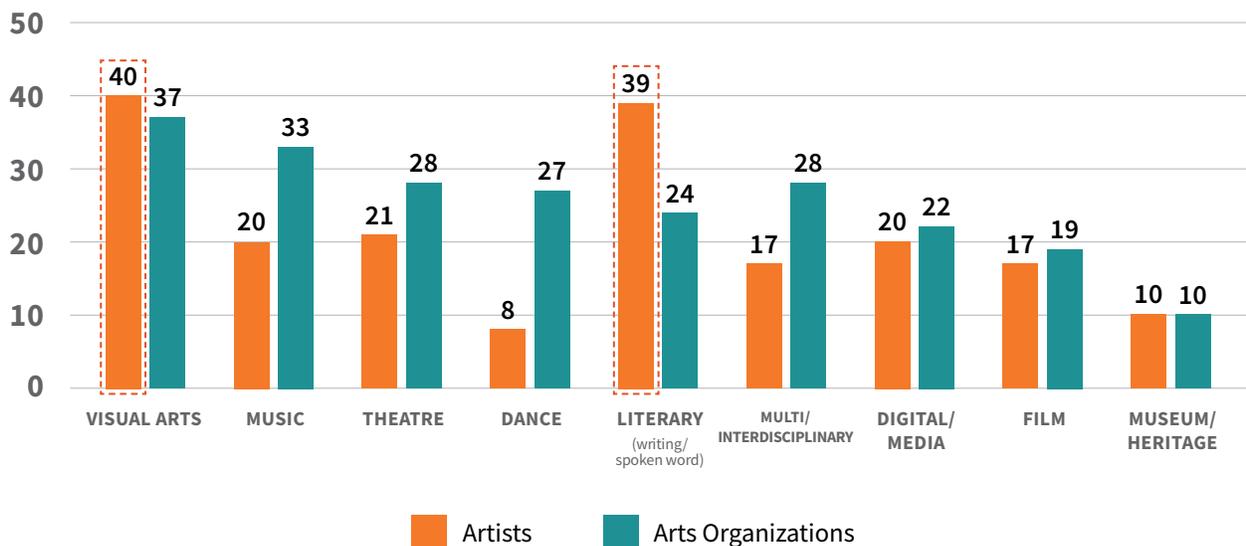
Respondents came from all across Canada,¹⁸ including Nunavut, British Columbia, Ontario, Quebec, Newfoundland and points in between. While urban centres were over-represented, many respondents from small communities were heard from.

- Artists: 45% and 28% of responses came from Ontario and British Columbia, respectively;
- Arts Organizations: 36% and 30% of responses came from Ontario and British Columbia, respectively.

The survey responses, as well as follow-up interviews, identified the need to expand legal services to currently under-served regions/populations. In particular, primary research in the North told us that while there is a lack of Internet access for artists across areas such as Nunavut and the Northwest Territories, affecting the number of respondents from the North, those who did respond stated that there is a need for legal services.¹⁹

The survey was answered by a broad range of disciplines, with a significant proportion from the visual and literary arts.²⁰ Many of the major arts service organizations, guilds, and industry associations responded to the survey.

Arts Disciplines Represented



¹⁶ A response rate (%) is indeterminate based on the method of dissemination: Instead of a finite target list, the link shared via the mailing lists of CPAMO, PLEO, ALAS, Mass Culture, NASO's and then further distributed/promoted by regional ASO's individual and organization recipients.

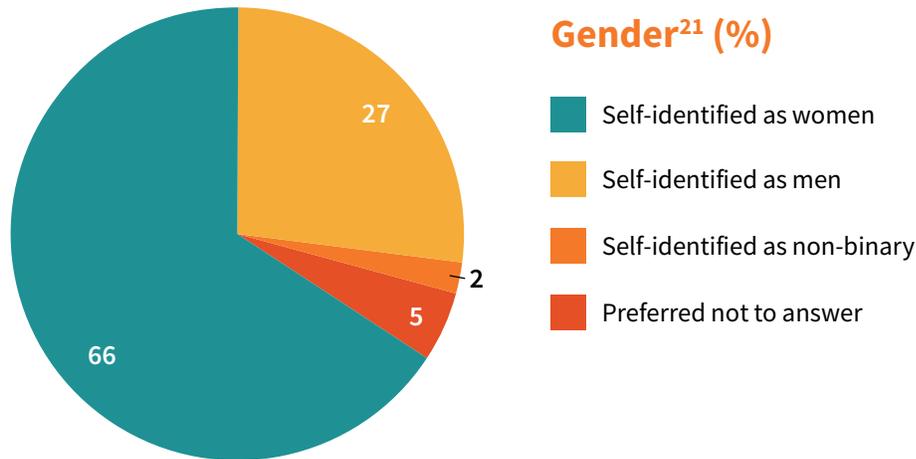
¹⁷ All results were calculated based on the number of respondents who answered the question, which varied considerably.

¹⁸ Q3 (artists): In what province/territory are you based? Q17 (organizations): Where is your organization based?

¹⁹ This is based on individual communications with ALAS and ALO from Northern respondents.

²⁰ Q5 (artists): What discipline(s) is your arts practice? (n=819) Please check all that apply; and Q19 (organizations): To what arts discipline/s is your organization dedicated? (n=174) Please check all that apply.

Of survey respondents, those who identified as women were in the majority.



The survey heard from a significant representation of artists that identified as belonging to a priority group.

Priority Groups:²²



²¹ Q6 (artists): Do you self-identify as.... [Woman/ Man/ non-binary/ prefer not to answer]

²² Q7 (artists): Do you self-identify as.... [Indigenous, Metis, Inuit/ Racialized/ LGBTQ/ Deaf/ Disabled/ Mental health challenges]? 311 of 819 responses said yes.
Q20 (organizations): Does your organization provide specific and/or accessible services to artists/arts organizations from the following groups? 104 of 174 responses said yes.

3.1.1. What is the Current Level of Access to Legal Services for the Arts?

ALMOST ALL ARTISTS (94%) STATED THEY HAVE UNIQUE LEGAL NEEDS²³ THAT ARE NOT BEING MET.²⁴

>90% of artists and arts organizations perceive access to legal services for artists as inadequate.

83% of arts organizations stated they do not have adequate access to legal services to serve their members.²⁵

Many artists are not members of an arts organization; and are not well-informed about legal services being offered.²⁶

44% of artists are NOT a member of an arts organization, industry association, union or guild.

47% of those who ARE members of such an organization do NOT know whether the organization provides access to legal information, education or advice.

↑ Notably, both numbers were even higher among **racialized artists (60%)** and **Indigenous artists (56%)**.

Part of the reason for the lack of awareness can be found in organizations' responses such as the following:

“*Successive reductions in funding have made us drop memberships in [arts service] organizations that may be providing [legal services]. With reduction in funding support, memberships and staff salaries are the first places that get cut.*”

Arts service organizations across the country have clearly struggled to find the capacity to meet the myriad needs of their members. Survey respondents clearly indicated that there are significant unmet legal needs and gaps in the current delivery of legal services.

²³ Q25 (artists) and Q34 (organizations): Do you think artists/creators have unique legal issues?

In addition to the results cited above: 93% of arts organizations agreed that artists/creators have unique legal needs and 72% of arts organizations believed that they themselves have unique legal needs.

²⁴ Q27 (artists) and Q35 (organizations): Do you think artists/creators have adequate access to legal information and services?

²⁵ Q25 (Artists) and Q33 (Organizations): Do you think artists/creators have unique legal issues? and Q34 (Organizations): Do you think arts organizations have unique legal issues? Artists were not asked about their perspective on organizations' legal needs.

²⁶ Q8 (artists) Are you a member of an arts service organization (ASO), industry association, performing/reproduction rights organization or guild/union? (E.g., CARFAC, Music BC, SOCAN, ACTRA).

Q9 (artists) If so, does the ASO, industry association (i.e. Music BC), performing/reproduction rights organization (e.g., SOCAN) or guild/union (ACTRA) provide you with access to legal information, education or advice?

3.1.2. What Legal Issues do Artists and Arts Organizations Face?

“ Artists are typically responsible for every area of their practice, from beginning to end, therefore they are responsible for concerns that range from contracts, insurance, employment and payroll, work safe, through to meeting obligations of commissions including delivery, installation final reports, etc. This exposes an artist to liability concerns at every stage of their practice.”

ARTISTS, when asked open-ended questions, identified the following legal issues:²⁷

- **Copyright/IP**
 - Including challenges in navigating the digital space due to the constantly changing technology and delay in updated regulations
 - Questions related to Indigenous practices, e.g., forms of Indigenous artistic practice in the context of intellectual property rights; including questions related to cultural appropriation
- **Contracts**
 - Challenges in writing and enforcing contracts in the various arts disciplines
- **Collecting royalties and fees**
 - Performance (including work performed in multi-disciplinary productions or recordings)
 - Reproduction fees
- **Employment**
 - Including harassment in the workplace, and human rights
- **Business**
 - Liability and insurance
 - Taxes (including those of added complexity for Indigenous artists)
- **Defamation/libel**

ORGANIZATIONS identified the following legal issues:

- **Governance**
 - Board governance/Conflict of interest
- **Partnerships**
 - In particular, partnerships with other nonprofit organizations
- **Employment**
 - Staff contracts
 - Working with unions
 - Complaint procedures - including harassment in workplace, human rights
- **Data management**
 - Including privacy concerns
- **Website**
 - Terms & Conditions of organization's website and social media
- **Business**
 - Insurance (accurate risk assessment)
 - Leases and rental agreements

²⁷ Open-ended answers to: Q25 (Artists) and Q33 (Organizations): Do you think artists/creators have unique legal issues? and Q34 (Organizations): Do you think arts organizations have unique legal issues? (Artists were not asked about their perspective on organizations' legal needs.)

Legal issues ranked by priority

Survey respondents were asked to rank legal issues by priority. The results confirmed that artists and organizations share similar priorities; **copyright and contracts are the top priority for both.**²⁸ The responses provided by lawyer respondents were consistent with those of artists and arts organizations. Lawyers would review contractual terms that include copyright/ licensing. In addition to the list below, lawyers reported requests/concerns relating to immigration, wills & estate planning, Indigenous rights, human rights, and mediation.²⁹

	Ranking by priority/urgency		Ranking by frequency of request
	Artists	Arts Organizations	Lawyers
1	Copyright	Contracts	Contracts
2	Intellectual Property*	Copyright	Copyright
3	Contracts	Intellectual Property*	Business
4	Digital Privacy	Employment	Intellectual Property*
5	Social Media	Governance	Governance
6	Business	Business	Employment
7	Employment	Property	Digital Privacy
8	Harassment	Harassment	Social Media
9	Property	Digital Privacy	Defamation
10	Governance	Social Media	Harassment
11	Defamation	Defamation	Property

*Includes trademarks and industrial designs as well as copyright.

²⁸ Q29 (artists) and Q37 (organizations): Please rank the areas of law that concern you with 1 being the most common to 5 the least common. The list of suggested areas included: Digital privacy, social media, copyright, intellectual property, defamation, harassment, business, contracts, employment, governance, and property (such as leasing, insurance, facilities).

²⁹ Q74 (lawyers): If legal services have been provided, please identify below the areas of expertise.

3.1.3. How are Artists Currently Accessing Legal Services?

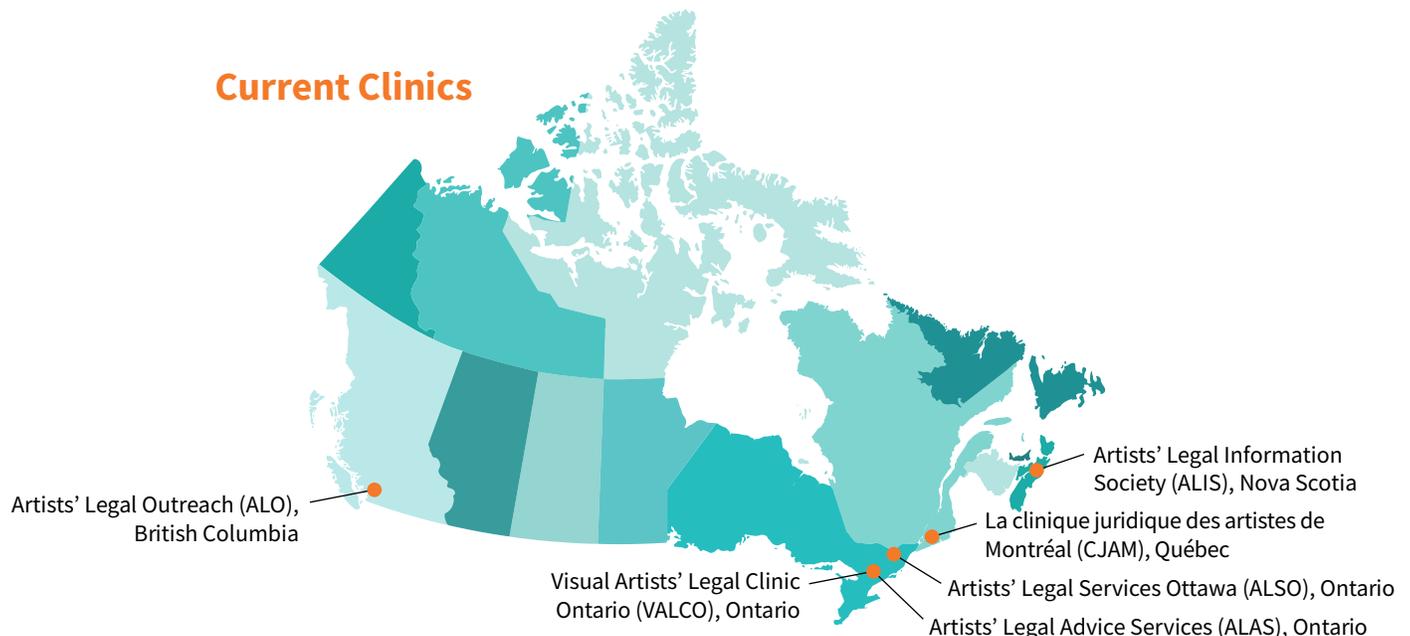
In the online survey, artists were asked to identify what arts organizations are providers of legal services, while arts organizations were asked whether they provided services, and to describe the services if they did. Not all arts organizations across Canada that provide some level of legal services were identified by the respondents to this survey.³⁰

The most cited arts service organizations were The Writers Union of Canada (TWUC) and the Canadian Artists' Representation/Le Front des artistes canadiens (CARFAC); in particular its Ontario chapter. Both organizations have been active for more than 30 years, and both have consistently maintained a strong focus on advocacy for artists' economic and legal rights including copyright.

Generally, there is limited awareness of legal services currently offered by arts service organizations. Many of these organizations have limited capacity to reach their members particularly at the regional level. That being said, this varies significantly between disciplines. Musicians, for example, would appear to have significant support; albeit only if they are members of the American Federation for Musicians (AFM) or other industry associations.

Financial barriers to membership may limit access to those organizations for many under-served and equity-seeking groups. For the most part, however, industry associations and **arts service organizations provide only limited legal services** to their members.

Existing legal clinics for the arts have been offering legal information and education, such as workshops and summary advice clinics run by volunteer lawyers and law students for more than 30 years, building critical capacity and legal literacy in the arts & culture sector.

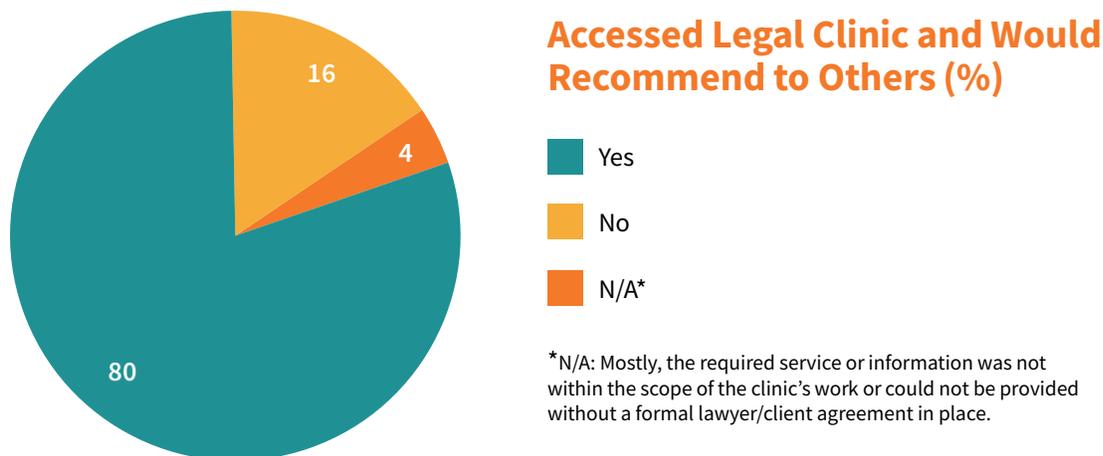


The clinics' services include:

- Online (some extensive) databases of educational resources
- Face- to-face /online workshops and presentations
- Summary legal advice from a lawyer and/or referrals for pro bono representation

³⁰ The full text of the responses is provided in the Appendix 6.3, along with a list of other ASOs who do provide some level of legal services or refer to a legal clinic.

When asked about accessing one of the legal clinics, the majority of artists indicated they had difficulty accessing one in the past. The reasons cited most frequently were geographic distance and lack of awareness. Those who were able to access one of the existing legal clinics were satisfied with the services. Most also stated that they would recommend the clinic to others.³¹



Survey respondents indicated a significant need for the services of a lawyer.³² However, most artists did not have access to a specialized lawyer, citing cost as the main barrier.³³

<30% of the artists who previously used a lawyer had access to a *specialized* lawyer.

Most artists also stated that they found their lawyer through their social network.³⁴

<20% of artists found their lawyer through an arts service organization (ASO).

Arts service organizations that were mentioned as a source of referral to a lawyer were The Writers' Union of Canada, CARFAC Ontario, and SaskMusic. Legal clinics mentioned as referral sources to a lawyer were the ALO and ALAS.

³¹ Q47 (artists) and Q62 (organizations): Have you accessed one of the 5 legal clinics? If yes: Would you recommend it to others? (artists: n=45)

³² Q44 (artists): Have you ever accessed or retained a lawyer; and Q61 (organizations): Have you had the assistance of a lawyer that was involved in your organization? (board, staff etc.)

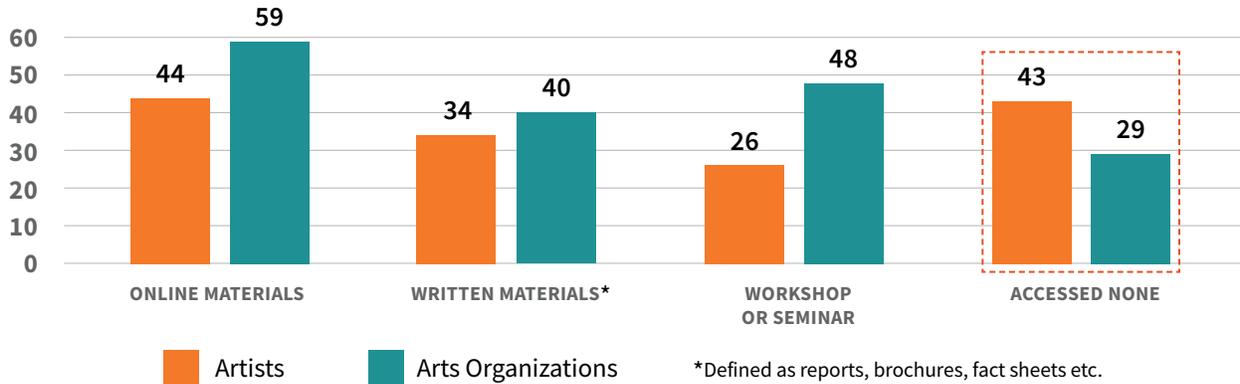
³³ Q46 (artists): Did [lawyer] specialize in working with artists in your discipline? While there was no corresponding question for organizations, it was presumed lawyers involved in an organization's board or staff could be counted as specialized lawyers.

³⁴ Q45 (artists): If yes, how did you find them? Please note that the percentage cited above combines the following: 1. Response "Lawyer on the board of your arts organization"; 2. ASOs mentioned in comments, 3. legal clinics mentioned in comments.

3.1.4. How Do Artists and Arts Organizations Access Legal Information?

The results of the survey identify trends in the ways artists and arts organizations, respectively, access and use the available sources of legal information. Unsurprisingly, as we shift to an increasingly digital world, online materials are the most frequently used by artists and organizations. Notwithstanding this, almost half of all artists and almost a third of all organizations reported that they had not accessed any of the existing online resources for legal information at all.

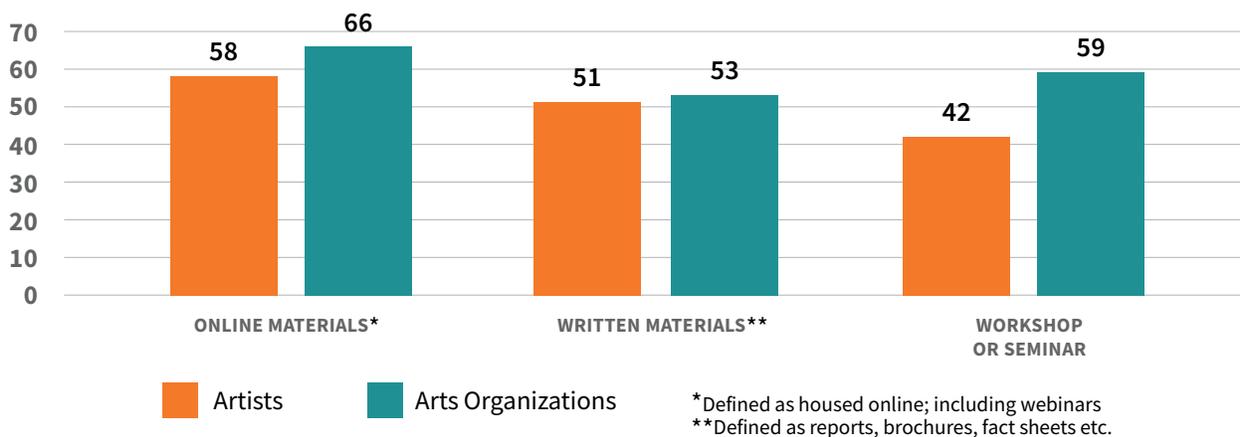
Utilization of Resources by Format (%)



Notably, arts organizations were more likely than individual artists to access workshops and seminars. This may be attributed to the fact that most such workshops are offered at specific locations and/or require in-person attendance.³⁵

The majority of respondents among both artists and arts organizations indicated they found the information they had accessed by any mode of delivery helpful.³⁶

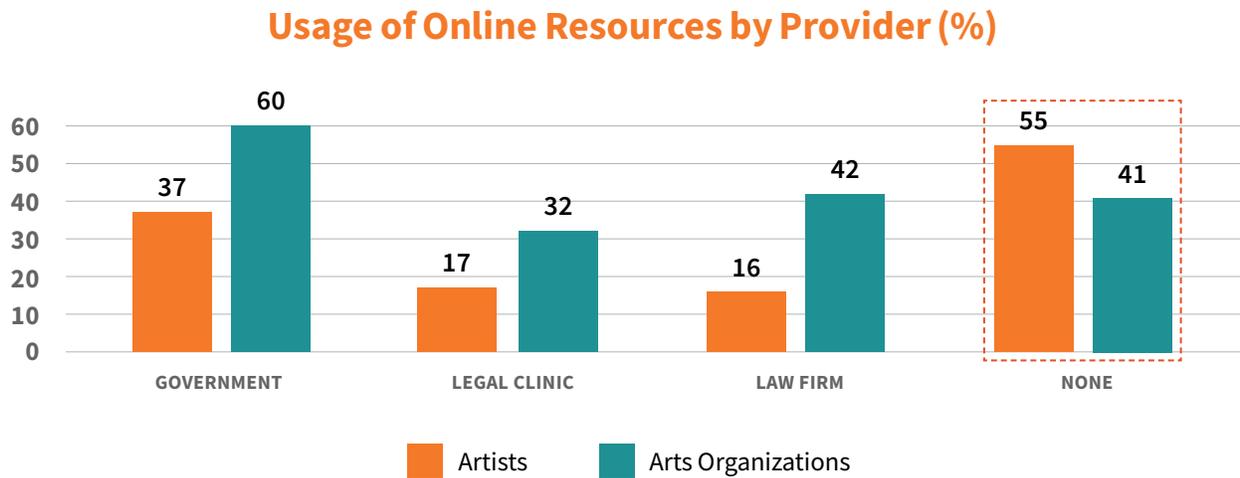
Perceived as Being Helpful by Format (%)



³⁵ Q41 (artists) and Q58 (organizations): Have you accessed any of the following sources of legal information, education or advice? (artists: n=525, organizations: n=124)

³⁶ Q42 (artists) and Q59 (organizations): Did you find it helpful? (artists: n=464, organizations: n=115)

Despite their general familiarity with web-based information, the majority of respondents indicated they had **not** accessed any online legal resources provided by government, law firms, or legal clinics.



In their responses to open-ended questions, respondents stated they did not know how many online resources would apply to their discipline. This response is reinforced by independent research conducted by the ALO in a project for Canadian Heritage, for which the ALO created a digital copyright tool. In the evaluation all artists identified the need for discipline specific information rather than general information about copyright.³⁷ Among those respondents who did access any of the online resources, government websites were consulted only 37% of the time.³⁸

3.1.5. What is the Level of Interest in Expanded Access to Legal Clinics?

The survey respondents confirmed significant interest in accessing legal services through a legal clinic. The **overwhelming preference was for access to a legal clinic**; and in particular, respondents were interested in seeing a legal clinic established in their own region.³⁹

91% of artists expressed interest in having a legal clinic in geographic proximity available to them.

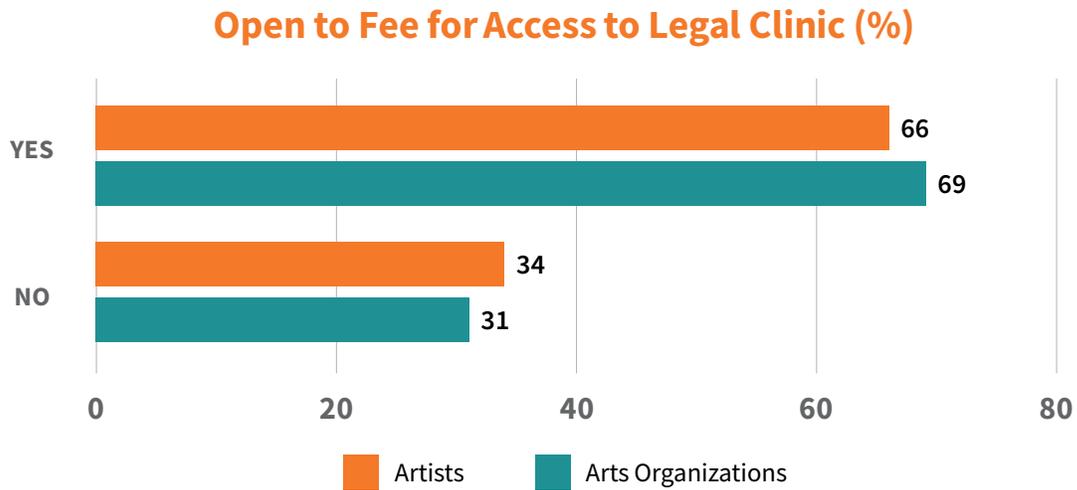
93% of arts organizations expressed interest in having a legal clinic in geographic proximity available to them.

³⁷ This project will be reported publicly by Canadian Heritage in mid-2020.

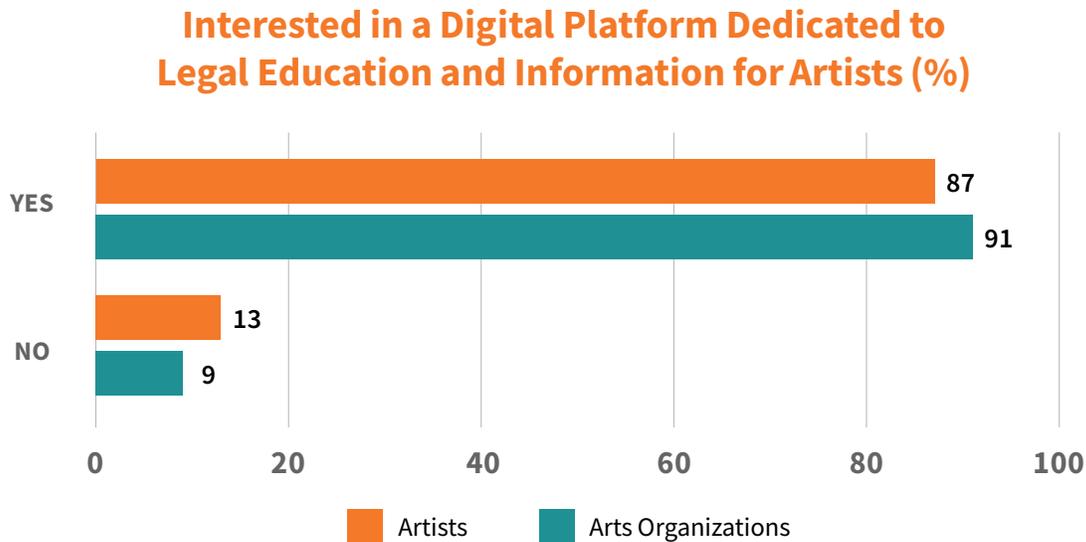
³⁸ Q43 (artists) and Q60 (organizations): Have you tried to find legal information on government, legal clinics, law firm websites? (artists: n=553, organizations: n=124)

³⁹ Q53 (artists) and Q68 (organizations): If there is not currently a clinic in your area, would you be interested in seeing a legal clinic opened? Please note that the comments submitted under "it depends" still indicated a general interest, which is why "yes" and "it depends" were both counted as "interested".

Interestingly, the majority of both artists and arts organizations would be willing to pay a fee for accessing a legal clinic's services, despite the precariousness of their economic situation.⁴⁰



When asked about the preferred mode to access a legal clinic's services, most artists and arts organizations stated that a one-on-one meeting was preferred, in particular when the matter was stressful. However, a **hybrid model of online information and in-person consultation** was regarded very favorably as well.⁴¹ The most frequent response to "other" was for access via phone; a request made by a number of senior artists.



As is to be expected in a sector where digitization has changed the landscape so dramatically over the last decade, almost all of the artists and organizations saw **value in the development of a customized digital platform** that could house legal resources and education specific to the arts.⁴²

⁴⁰ Q57 (artists) and Q72 (organizations) Would you pay to access a clinic if that was the only option available? (artists: n=517, organizations: n=123)

⁴¹ Q54 (artists) and Q69 (organizations): If you had a legal clinic in your area, how would you prefer to access the services? Please select all that apply. (artists: n=525, organizations: n=125)

⁴² Q55 (artists) and Q70 (organizations): Would you use a digital (online) platform that explained legal issues to you?

When asked to provide further detail about the specific services a legal clinic should offer, and how they would prefer to interact with the clinic, survey respondents identified the following priorities⁴³:

Areas of law:

- Discipline-specific copyright/IP (including consideration of traditional Indigenous arts practices)
- Contract templates as well as the review of draft contracts
- Employment law (hiring, conflicts)
- Immigration, specifically work visas
- Harassment
- Rights of disabled artists

Aspects of service delivery:

- More one-on-one consultation with shorter wait times for a free consultation – especially in the following areas:
 - Increased time of free consult to 1 - 1.5 hours
 - Access to lawyers with experience with copyright/IP issues in their discipline
 - Contract reviews, including contracts between artists
 - Support transition from summary advice to the action needed such as help writing a demand letter or steps of incorporation
 - More options for affordable or pro bono legal representation
- Consistent offering of workshops or seminars run on a regular basis
- More comprehensive written/online materials for self-study
 - Online information/checklist to help determine when a legal issue requires an in-person-consultation
 - Case studies on typical issues (contract, dispute, etc.)
 - Intro to legal issues for artists to increase basic knowledge level
- Improved access to clinics
 - Solutions for those in rural/remote areas (including territories), where the perception currently appears to be that “there is no help whatsoever”

3.1.6. What did Lawyers Report?

55 lawyers responded to the on-line survey. While almost half of the lawyer respondents were currently not participating in a legal clinic, most would be interested in getting involved.⁴⁴

77% of lawyers not currently participating in a legal clinic for the arts are interested in participating in future.

Among the lawyers responding to the survey were some who had not previously been known to or involved with the legal clinics. Thus, the research undertaken for this project identified currently untapped potential for prospective volunteer lawyers.

⁴³ Q52 (artists, open-ended): What services would you like to see included at the clinic?

⁴⁴ Q76 (lawyers): Have you participated in a legal clinic for the arts?

Q77 (lawyers): If you have not participated in a legal clinic for the arts, would you consider participating in one? If not: What prevents you from volunteering?

3.2. Focus Groups on Future Service Delivery

Further qualitative data gathering for this report was based on focus groups of national and regional arts service organizations held in Toronto, Ottawa, and Vancouver; attended by 20 individuals in total. In addition to in person focus groups, interviews were held with 13 francophone arts service organizations from Quebec. They identified issues with regards to the current level of access to legal services; their most pressing needs, and their preferences with regards to future access to those services.

Like the respondents to the online survey, participants stressed a lack of awareness regarding currently available legal services:

- “ We need to find these services as they are not readily available. There is no communication/promotion and information on how to access them.”
- “ Our [municipal] Arts Council gets many questions on this and we don’t have a place to send those who ask.”

Participants emphasized they found the legal information and advice they previously received (or were aware of) to be an important and useful service of which they were very appreciative. Notably, focus group attendees added emphasis on the importance of accessibility supports for disabled artists. Other comments from the focus groups included:

- Services need to be local and accessible:
It is important to consider that many artists live and work outside urban areas. Suggestions included the concept of a mobile clinic, as well as a network structure.
- “ We need a network of these services across the country as artists are geographically dispersed and our needs are different depending on where we are located.”
- Services need to be affordable:
 - Fee-based legal services may be acceptable in order to keep the offered services consistent, but participants emphasized the importance of a sliding scale
- Services need to be customizable:
 - Participants raised the issue of language in areas with many immigrant artists who find it difficult to understand or respond to legal issues.
 - Participants pointed out the importance of addressing legal concerns specific to priority (equity-seeking) groups⁴⁵
 - Quebec, given its separate legal system, requires a “made in Quebec” solution
- Services must be provided consistently:
- “ Whatever and wherever such services are available, they need to be sustained. There’s nothing worse than such services appearing and then disappearing.”



**FOCUS GROUPS
REVEALED THAT
SERVICES NEED TO BE:**

- 1) Local and accessible
- 2) Affordable
- 3) Customizable
- 4) Provided consistently

⁴⁵ Identified in the terminology of this Needs Assessment as Indigenous, Metis, Inuit/ Racialized/ LGBTQ+/ Deaf/ Disabled/ living with mental health challenges.

Specific suggestions from attendees included the following:

- Free legal advice clinics to be held on a regular basis
- Workshops to be offered on a regular basis (including workshops for arts administrators so that they can support and guide their organizations' members facing legal issues)
- Up to date online resources to be provided; including information on legal services; as well as links to further resources and specialized legal professionals in the different regions

THE FOCUS GROUP RESULTS SUGGEST THE FOLLOWING PRIORITIES FOR THE EXPANSION PROCESS:

Communicate Regular promotion of the legal clinics' services to arts communities

Connect Participants suggested there be one central online site, housing legal information and resources provided by the collaborating clinics

Collect Data Report annually on service use as well as trends and emerging issues; measure impact

4. The Canadian Model: A National Network of Legal Clinics for the Arts

The findings of the Needs Assessment confirmed there is a strong desire for the provision of legal services delivered mainly through independent multidisciplinary legal clinics.

The findings confirmed the benefits of this legal clinic model for the Canadian arts sector, as it allows for nimbleness, awareness of community-specific concerns, and ensures in-depth knowledge of the laws that fall within provincial jurisdiction. Therefore, the leadership of the current legal clinics represents an essential asset in the expansion process.

In that process, it will be important to build on the **strong foundations laid and best practices established by the existing legal clinics**, since they have not only acquired expertise, but also have formed strong relationships with artists and arts organizations in their regions. It will be important to maintain buy-in and involvement of any arts service organizations who are able to provide direct access to legal consultation, collect data and keep statistics on services accessed; and/or are addressing specific needs of a specific equity-seeking priority group.

However, the **capacity of the legal clinics is currently restricted** by the following factors,⁴⁶ which must be addressed in order to ensure a sustainable model of effective and efficient legal service delivery through a national network of collaborating legal clinics for the arts:

- **Low resources**

Clinics are for the most part ineligible for provincial or federal arts funding (specifically, core or operating funding), and neither do they receive funding from provincial legal aid programs

- **Lack of administrative support**

Lack of administrative staff results in time lag of service delivery:

“ Please allow up to 4-5 weeks, after submitting your VALCO application forms, to obtain your requested summary legal advice.” – CARFAC⁴⁷

- **Limited awareness of legal clinics’ services**

Limited awareness of legal clinics among artists who did have legal needs:

“ I did not even know they existed.”

“ No one ever told me about [the clinics’] existence.”

Limited capacity among clinics to effectively and systematically promote their services:

“ Our reliance on volunteers limits our reach: Facebook page and newsletter are really all we do.” – ALO

“ Lack of resources and marketing impact: It can be fixed [by] resourcing the organization and marketing its programming to the community.” – ALIS

- **Limited geographic reach**

The legal clinics are based in urban centres, and their geographic reach is generally limited:

“ Service is an expensive illusion because of geographic factors.”

“ The only problem was that it was a long distance.”

In answer to survey questions some lawyers identified barriers to their participation in a legal clinic, each of which can be remedied by a national network:

- Lack of clinics in their region: An expansion plan would lower or remove that barrier.
- Lack of time: A managed pro bono system would eliminate or alleviate this concern.

Adoption of online tools has enabled both the ALO and ALAS to pivot to providing both legal education and summary advice clinics remotely. A National Network would enable greater participation of lawyers that want to volunteer. As well, a national network would enhance the ability of existing legal clinics to fundraise from the legal profession.

⁴⁶ Information obtained by written and in-person communications with the respective legal clinics; February-April 2020.

⁴⁷ <https://www.carfaontario.ca/VALCO-Visual-Artists-Legal-Clinic-of-Ontario>

In research conducted in preparation for the Needs Assessment lawyers and law schools confirmed interest in participating in a legal clinics – with the caveat that it will take time to work through the university administration.⁴⁸

Each of the identified barriers can be addressed within a National Network of Legal Clinics for the Arts. Support for the proposition of a national network can be found in examples from the UK, the US, and Australia:⁴⁹

- National, federally funded organization with a staff of 11, including lawyers and paralegals, as well pro bono legal practitioners located in all regions; with a designated department for Indigenous artists with Indigenous staff. (*ArtsLaw, Australia*)
- National organization with independent state chapters; functions not a single organization, but rather a network united by similar missions. (*Volunteer Lawyers for the Arts (VLA), US*)
- Different centralized organization and/or online platform; administered strictly online to limit admin burden; the majority of VLAs are focused on arts organizations vs. individual artists. (*Lawyers Volunteering for the Arts (LVFA)* and *LawWorks, UK*)

The existing legal clinics have built a strong foundation for supporting individual artists and arts organizations, their administrators, and other arts professionals trying to navigate the complex legal landscape of the arts & culture sector. The National Network of Legal Clinics for the Arts can and will address any barriers and challenges.

5. Conclusions

The findings of this Needs Assessment confirmed that Canadian artists are currently struggling with a **fragmented legal services structure** that is making it hard for existing service providers to meet artists' legal needs. We live in a country where many artists reside in rural and remote communities; where many artists are Indigenous, racialized, or are from other historically marginalized priority groups; and where the COVID-19 crisis continues to worsen artists' precarious economic situation.

TO RETURN TO PRIMARY RESEARCH FINDINGS...

- There are substantial unmet needs for legal services in the Canadian arts and culture sector.
- Many artists, and to some degree arts organizations, were unaware of the existing legal clinics prior to filling out the survey.
- There is an urgent need for geographic expansion of existing legal services.

The Needs Assessment has shown that low-cost or free legal services for Canadian artists and arts organizations have been mainly provided using the **model of the independent multidisciplinary legal clinic**. While selected provincial and national arts service organizations provide limited legal services specific to their particular arts discipline (e.g., educational events, online resources), they do not provide **consistent access** to legal information and consultation on a wide-ranging basis. And while there are collective societies that deal with copyright, their focus is the administration of rights, management, and royalty collection.

⁴⁸ All communications on file ALO.

⁴⁹ For further detail, please see Appendix 6.4.

There is a **clear and urgent need** to develop new tools and services to help educate artists on the legal issues that affect their practice. We believe the most effective way to do so is by working with the existing legal clinics, which have built (and are working to expand) legal literacy and capacity in the arts sector. They are established legal experts and up to date on a constantly evolving subject matter. They have established relationships with arts service organizations across the country, who refer members to the clinics when unable to provide the legal support themselves. And lastly, survey respondents confirmed artists' preference for this service model. The legal clinics are familiar with the concerns of their communities, and are proactive in addressing them (COVID-19 being an example). Respondents who had accessed a clinic were satisfied with the services they received.

However, the Needs Assessment also confirmed that the **existing legal clinics are operating in isolation and on very low resources**. Federal and provincial funding criteria have been limiting the clinics' ability to collaborate. Lack of funding also means the clinics are almost entirely volunteer-run, placing the burden of gathering support and funds squarely on the shoulders of local volunteers. Consequently, expanded services to meet the urgent legal needs in the sector cannot be delivered by the current clinics, without the funding to enhance capacity and share resources, which would allow the existing legal clinics to:

- Identify and incorporate best practices, resources and digital technologies
- Eliminate duplication and focus on the development of materials and resources that can be used nationally (albeit reflecting jurisdictional differences among provinces)
- Build relationships to open up new legal clinics in regions that are not currently served

We are already **A National Network of Legal Clinics for the Arts**. We will: (i) enhance regional-specific content and services, (ii) identify emerging legal issues (e.g., needs requiring advocacy, need for law reform, need for sector-wide assistance); and (iii) facilitate innovative legal education and support.

- Three of the largest legal clinics (ALAS, ALO and ALSO) are already working together and will continue to drive the process.
- Through the consultations that took place before and during the Needs Assessment, the National Arts Service Organizations (NASOs) for the respective arts disciplines were able to provide feedback on this project.
- Individuals who are interested in seeing legal clinics set up in geographical proximity have been identified in each of the prairie provinces (including lawyers, arts service organizations, and faculties of law), and efforts to achieve the same across the country are in progress.

In summary

Given the confirmation of (i) demand and unmet needs for expanded legal services, (ii) preference for the legal clinic model, (iii) a solid foundation of resources, (iv) relationships built at the regional level, and (v) national stakeholder activation already in progress. Addressing artists' legal needs should be viewed as a matter of great urgency (only increased by the impact of COVID-19). We are committed to providing ongoing support to the artists whose work continues to enrich the quality of life in Canada and the arts organizations that support them.

We strongly believe that **A National Network of Legal Clinics for the Arts** represents an effective and sustainable solution that would give Canadian artists and arts organizations across the country access to the legal information, education and advice that they need. By informing and empowering Canadian artists in their home communities to create new work and build exciting careers we will ensure sustained excellence in their contributions to Canadian society here at home and to Canada's global reputation as innovators in all artistic disciplines.

We need a robustly supported National Network of Legal Clinics for the Arts; now more than ever.

6. Appendices

6.1. Advisory Committee

Amirali Alibhai is the Head of Performing Arts for the Aga Khan Museum. He is an experienced and creative arts administrator, programmer, curator of community based and culturally diverse art practices, cultural presenter and innovative collaborator. He possesses significant experience in community cultural development, strategic planning, cultural management, visual arts, music, theatre and special event production (both professional and community-based in all disciplines), academic writing and inter-disciplinary practices. He continues to practice as a professional contemporary interdisciplinary artist.

Zoë Cunningham is the Executive Director of the Songwriters Association of Canada. Zoë received the Harris Institute Audio Production Program certificate in 2011 and is a graduate of Concordia University. With a background in business administration and media management in the entertainment industries, commercial sound recording, and live audio, Zoë works in arts administration, music education and audio production services with music creators and performance based arts groups everywhere.

Bernard Guérin is the Director General of the *Regroupements des Artistes en arts Visuels du Quebec*. Guérin is a Law graduate of the University of Montréal with a Masters in commercial law from the University of Paris 2. In the last 20 years, he has practiced Corporate, Commercial and Real Estate law, all while developing specific expertise in Intellectual Property and Entertainment law. He has represented many distributors, producers, directors and artists from all disciplines. He has also negotiated many framework agreements for various guilds and arts service organizations, among which several act as precedents. Guérin Esq. was on the Board of RAAV from 2010 to 2012 as a non-artist director.

Jeanne LeSage is an arts consultant and strategist with a 30+ year career starting as stage manager, production manager and producer. Jeanne is a Certified Human Resources Leader (CHRL), holds an MBA in Management Consulting, and operates LeSage Arts Management in Toronto with a focus on Human Resources, Organizational Effectiveness, Strategy, and Facilitation. Jeanne is a sought-after speaker and trainer, having delivered sessions on strategic human resources such as: organizational development & effectiveness, performance management, policy development, workplace harassment & respectful workplaces and more. Jeanne is a proud volunteer board member for nonprofits Volcano Theatre, Department of Imaginary Affairs, and S.M.Arts Stage Managing the Arts.

Kenji Maeda has extensive experience in nonprofit arts leadership and management. Based in the unceded territories of the Coast Salish peoples, including Musqueam, Squamish, and Tsleil-Waututh first nations, he is the artsvest BC Program Manager with Business / Arts, where he has worked to train more than 200 small and mid-sized arts and culture organizations of all disciplines across B.C. on private sector sponsorships strategies and organizational development. He is also the Executive Director of the Greater Vancouver Professional Theatre Alliance, an arts service organization focused on building capacity and public profile within the sector. He currently sits on the board of Mass Culture. Kenji completed Banff Centre's Cultural Leadership Program, and is a lecturer for Simon Fraser University's Thriving as a Cultural Entrepreneur course.

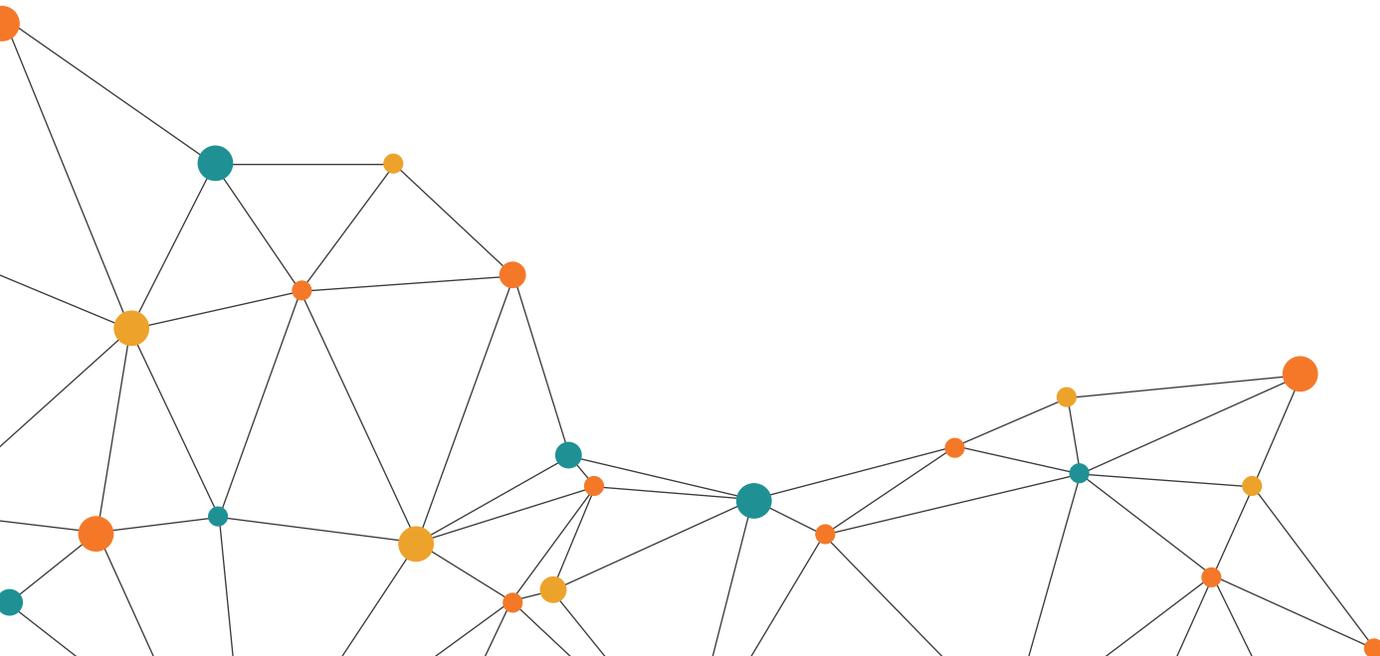
Tara Mazurk is a member of the Cultural Industries team in the Ottawa office of Global Public, providing a wide range of government relations supports to organizations in the Canadian arts and culture sector. Prior to joining Global Public, was a Consultant for Canadian Artists' Representation Ontario, researching and writing toolkits for issues affecting Ontario visual and media artists. A regular volunteer on multiple arts and nonprofit advisories and boards, she is currently a co-founder of Mass Culture, an initiative to build a nation-wide cultural policy research network. Tara studied at the University of Toronto, with a BA (Hons) Specialist degree in Arts Management and a Minor in Studio Art.

Byron Pascoe is an entertainment lawyer with Edwards Creative Law. From his work with musicians to filmmakers, he enjoys both assisting with their legal needs and being a member of the team that helps to advance careers and grow creative businesses. Based in Ottawa, he works with clients across Canada, and is involved with several initiatives that provide professional development to various artist communities including with Artists' Legal Services Ottawa ("ALSO"). Byron is a board member of the independent film co-op SAW VIDEO, and the music conference/festival MEGAPHONO, and he co-founded and co-manages the music industry seminar series INDEPENDENT MUSIC BUSINESS. Byron won the Impact Award at the inaugural Capital Music Awards in 2020. Before law school he was a television and new media producer.

Daniel Pink is a Toronto-based lawyer with a keen interest in the arts and copyright. He currently works in-house at Rogers Communications Inc., focusing on copyright and content protection. Daniel is on the board of directors of Artists' Legal Advice Services ("ALAS"), a nonprofit that has provided free legal advice and support to creators across Ontario for over 35 years. In addition to ALAS, Daniel is also on the board of directors for the Paprika Theatre Festival, a youth-led professional performing arts organization that runs year-round professional training and mentorship programs that culminate in a performing arts festival showcasing new work by young artists.

Martha Rans has been a lawyer for more than 25 years. Her Vancouver-based law practice specializes in the legal needs of nonprofits, charities, and digital creatives. She spent 10 years as labour employment and human rights lawyer/mediator with the BC and Ontario governments. She has appeared before administrative tribunals, provincial and BC Supreme Court. She advises on charity law, incorporation, governance, privacy, employment, labour, health & safety and human rights. Her advice is practical and strategic, tailored to the needs of her clients. She is the founder of the Pacific Legal Education and Outreach Society, a resource dedicated to artists and the nonprofit sector through the Artists Legal Outreach clinic and the Law for Non-Profits project.

Charles C. Smith is the Executive Director of Cultural Pluralism in the Arts Movement Ontario (CPAMO), working on opportunities for Indigenous and racialized artists and arts organizations to build capacity through access and working relationships with cultural institutions across Ontario. He teaches in the Humber College post-graduate arts administration program. His academic work was published by Stanford Law and Policy, University of Toronto Press, and the Alberta Law Review. His writings on racial profiling and Black lives in Canada have been published by the Canadian Centre for Policy Alternatives. He has been commissioned to work on strategic initiatives by cultural institutions including the Canada Council for the Arts, the National Ballet of Canada, and the Shaw Festival. Charles is also a published poet, playwright and the Artistic Director of the wind in the leaves collective, an interdisciplinary performance group combining his poetry with music, dance and visual arts which he founded in 2009.



6.2. Needs Assessment Design, Content & Distribution

Survey Design:

- 15-20 minutes required for arts organizations and artists, 7-10 minutes for lawyers
- Platform: Survey Monkey⁵⁰
- Questions posed specifically for individual artists vs. arts organizations; answers coded separately
- Question types employed:
 - dichotomous questions
 - multiple-choice questions
 - ranking questions
 - matrix questions (Likert scale)
 - open-ended questions

Survey Content:

- Section 1: Background
 - Demographic information
 - Membership in arts service organization/industry association/union/guild
 - Legal services provided by arts service organization/industry association/union/guild
- Section 2: Areas of legal needs for artists and for arts organizations
 - Unique legal issues for artists and arts organizations
 - Adequate access to legal information
 - Ranked areas of concern
 - Awareness of any specialized legal resources for the arts that are not part of current legal clinics
- Section 3: Access to legal services
 - Which sources were accessed and how helpful were they perceived to be
 - How were they identified?
 - Current or past access to lawyer/representation?
 - Which of CURRENT sources were accessed and how helpful were they?
 - Interest in NEW clinics closer to home
 - Priority services
 - Preferred format of accessing legal information
 - Amenable to paying fee for access
- Section 4: Questions for Lawyers
 - Services requested/provided

Survey Distribution:

- Deployment and time in-field:
 - English: February 3- March 10, 2020
 - French: February 12 – March 17, 2020
- Promotion and reminders
 - Emails to target list: Feb. 3, 8, 12, 18, 16, 24, 28 and Mar. 3, 9
 - Ongoing Promotion and reminders by numerous arts organizations across the country
 - Selected social media posts
 - Facebook: Feb. 3, 12, 19, 24, 27 Mar. 2, 9 (including targeted Facebook ad)
 - Instagram: Feb. 3, 24, Mar. 2, 9
 - Twitter: Feb. 3, 12, 24, Mar. 9

Focus Group Dates & Times:

- Toronto: Thursday, February 10, 2020, Daniels Spectrum, 3:30pm-5:30pm
- Ottawa: Tuesday, February 18, 2020, SAW VIDEO at Arts Court, 4:00pm-6:00pm
- Vancouver: Monday, February 24, 2020, Alliance for the Arts, 2:30pm-4:30pm

⁵⁰ On privacy protection for respondents please see [here](#) / [ici](#)

6.3. Organizations Delivering Legal Services for the Arts in Canada

6.3.1. Legal Clinics⁵¹

Artists Legal Advice Services (ALAS)⁵²

Established 1985, the ALAS is operated by Artists and Lawyers for the Advancement of Creativity (ALAC).

The organization is based in Toronto and is run entirely by volunteer lawyers, artists and law students.

The ALAS clinic is currently administered by a team of volunteer law students from the University of Toronto.

ALAS's pro bono clinic serves annually approximately 300-400 creators in Ontario and receives 10-15 inquiries per week.

- **Clientele:** ALAS serves primarily individual artists but also supports individuals inquiring on behalf of organizations whose interests are consistent with individual creators.
- **Lawyers:** Roster of 6-8 volunteer lawyers (availability fluctuates) with established practices in entertainment and media law (minimum experience: 2 years), each donating 3-9 hours per month for clinic appointments.
- **Area of focus:** Copyright/ IP, contracts, trademarks, royalties or other payments, defamation.
- **Legal services:**
 - Legal clinic legal clinics (by appointment): Offered twice a week for a maximum of 6 clients per week
 - Database of online resources: legal information organized by types of legal issues and types of creators
 - Educational sessions; for which ALAS partners with various organizations
- **Future direction:** Adapting to shifting needs of service delivery, the ALAS is currently running a pilot program to **provide online appointments during the COVID pandemic.**

Client Testimonials

“Through ALAS I was able to speak with lawyers on two occasions. It is highly relevant to my artwork.”

“[I received help] although not in the detail I received when I lived in Ontario and was able to visit a lawyer at ALAS.”

“Answered all of my questions clearly and forthrightly.”

“It helped me decide what legal steps I should take.”

“It took almost one year to resolve and the lawyer kept at it until there was a signed agreement.”

⁵¹The information that follows is from the websites of each clinic, email conversations with clinic leadership and as well as the minutes of a meeting held on November 30, 2019. (on file)

⁵²<https://www.alasontario.ca>

Artists Legal Outreach (ALO)⁵³

Established 2005, the ALO is operated by the Pacific Legal Education and Outreach Society (PLEO) and provides information, education and advice to artists and arts organizations in British Columbia.

The ALO receives over 100 inquiries per year.

- **Clientele:** Serves primarily individual artists
- **Lawyers:** Roster of 4 volunteer lawyers and 3 law students
- **Area of focus:**
 - Copyright/ IP, contracts, incorporation, governance, defamation
 - ALO's 2019 event series "Yours, Mine & Ours" attracted more than 400 attendees; confirming artists' and presenters' interest in the subject as they create and present work and are looking for best practices to follow
- **Legal Services:**
 - Bi-monthly legal clinic with a maximum of 12 clients/ month; approximately 30 minutes per appointment.
 - Art Law Happy Hour zoom legal information clinics for artists
 - Legal Lunch and Learn webinars every Wednesday for nonprofit organizations
 - Database of online resources: legal information organized by types of legal issues and types of creators
 - Educational sessions; for which ALO partners with various organizations; including a podcast series "Yours, Mine & Ours"
- **Future direction:**
 - Adapting to shifting needs of service delivery, the PLEO has recently held **weekly online legal information clinics that have reached more than 600 organizations and individual artists** - indicating significant untapped demand.
 - This initiative will be continued in order to **support artists during the impact of COVID-19** for the foreseeable future.

Client Testimonials

- “EXTREMELY helpful and supportive.”
- “It was amazing.”
- “They were able to look over a contract for me and explain in basic terms what I would be signing away and helped show me some ideas to counter offer.”
- “[They] were able to sift truth/facts from conjecture.”
- “[I] recommended them to another artist.”

Artists' Legal Services Ottawa (ALSO)⁵⁴

Established in 2012, ALSO is dedicated to sharing legal information with artists living in the Capital region.

- **Clientele:** Serves primarily individual artists
- **Area of focus:** Contracts, trademarks, privacy (photography), image rights, social media, crowdfunding, taxes, wills and estates
- **Legal Services:**
 - Referral service; refers clients to competent lawyers in the area for 30 minutes of free advice based on an email stating question as well as all available facts
 - Primarily provides information/education through events (panel discussions, conferences): Hosts annual conference When Art Meets Law - attended by visual artists (approx. 40-50)
 - Online resource collection

⁵³<https://www.alasontario.ca>

⁵⁴<http://www.artslawottawa.ca>

Artists' Legal Information Society (ALIS)⁵⁵

Established 2010 by a group of Dalhousie Law students, the ALIS is based in Halifax, Nova Scotia, but provides its services throughout Atlantic Canada. The organization's principal mandate is to provide artists and arts organizations with access to information on their legal rights and responsibilities. The ALIS is run by a volunteer Board of Directors composed of lawyers and law students. Originally received funding from the Law Foundation of Nova Scotia, the ALIS has in the last years depended on volunteers.

The ALIS receives 5-10 inquiries per month and has 30-50 clients a year for the last 3 years.

- **Clientele:** Artists and arts organizations
- **Legal Services:**
 - Provides referral service to volunteering (often junior) lawyers in the area for 30 -60 mins of free advice. Should an artist require further legal assistance, the volunteer lawyer can choose to represent the artist outside of ALIS
 - Information sessions and events for arts organizations: E.g., workshops, talks, speaker presentation and conferences 1-2 per year.
 - Publications (Guides): The legal publications piece of the service is fulfilled by law students who provide case studies in an easy to read format, thus easily accessible to the public as well as an online legal information database

Visual Artists Legal Clinic Ontario (VALCO)⁵⁶

(Available to members of CARFAC Ontario only.)

CARFAC Ontario and Torys LLP have been collaborating since 2011 to provide summary advice to visual artists. VALCO currently reports approximately 4-5 new clients per month.

- **Clientele:** Serves primarily individual artists
- **Focus:** Copyright, contracts, labour law, disputes, commercial leases (e.g., studio or gallery spaces), tenants' rights, and business incorporation
- **Lawyers:** Torys LLP
- **Service delivery:**
 - Legal advice: Approximately 60 minutes of free summary legal advice

La Clinique Juridique des Artistes de Montréal (CJAM)⁵⁷ was established in 2008 by a group of McGill law students to provide free legal information in both English and French for artists living in Montreal.

⁵⁵<http://www.nsalis.com>

⁵⁶<https://www.carfaontario.ca>

⁵⁷ CJAM website <http://cjam.info/en>. Efforts to reach current students were unsuccessful.

6.3.2. Arts Service Organizations

In addition to the legal clinics, there are a number of Canadian arts service organizations who are not *primarily* concerned with legal services, but who do provide legal information specific to their area; including the following categories:

- Industry organizations offering licensing as well as royalty collection services
 - Access Copyright
 - Musicians’ Rights Organization Canada (MROC)
 - Society of Composers, Authors & Music Publishers of Canada (SOCAN).
 - Society for Reproduction Rights of Authors, Composers & Publishers in Canada (SODRAC)
 - Canadian Artists Representation Copyright Collective (CARCC)
- Industry organizations that are most concerned with advocacy but endeavor to support their members with discipline-specific legal information vetted by lawyers

Among the most active are:

 - The Writers’ Union of Canada (TWUC)
 - Canadian Artists’ Representation/Le Front des artistes canadiens (CARFAC)
 - Songwriters Association of Canada (SAC)

The following table sets out further information on some of the arts service organizations that provide some kind of legal information to their members.⁵⁸

Name	Legal Services
<p>Access Copyright</p> <p>https://www.accesscopyright.ca/creators/faqs-for-creator-affiliates/</p> <p>Copibec https://www.copibec.ca/ Collective rights management (Quebec)</p>	<ul style="list-style-type: none"> ● Contact information for legal services in case of contractual disputes provided on the website
<p>Alliance of Canadian Cinema, Television and Radio Artists (ACTRA)</p> <p>https://www.actra.ca</p>	<ul style="list-style-type: none"> ● ACTRA Performers’ Rights Society (PRS) provides contract templates for members as well as contract enforcement
<p>Alberta Music Industry Association</p> <p>https://www.albertamusic.org</p>	<ul style="list-style-type: none"> ● One-on-one consultations (with lawyer from commercial law firm) for members ● Complimentary copy of comprehensive 2019 Legal Guide for Musicians (commissioned)⁵⁹
<p>ACRA</p> <p>http://www.arca.art/fr/</p>	<ul style="list-style-type: none"> ● Professional development and referral

⁵⁸ Except where noted, all comments come directly from the respective arts service organization websites or their responses to the survey as well as follow up interview.

⁵⁹ <https://www.albertamusic.org/legal-guide-for-musicians/>

Name	Legal Services
<p>Art Circulation https://artcirculation.org</p>	<ul style="list-style-type: none"> • Negotiation and signing of promotional agreements on behalf of members
<p>Arts BC https://artsbc.org</p>	<ul style="list-style-type: none"> • Refers requests to ALO or specific lawyers, depending on the need
<p>Arts Network Ottawa https://artsnetottawa.ca</p>	<ul style="list-style-type: none"> • No legal services provided directly • Workshops, panels, and events collaborating with legal experts
<p>Association acadienne des artistes professionnel.le.s du Nouveau-Brunswick http://www.aaapnb.ca/</p>	<ul style="list-style-type: none"> • Workshops, roundtables with legal experts
<p>Association des libraires du Québec https://aqm.ca/en/accueil_en</p>	<ul style="list-style-type: none"> • Professional development workshops at their annual conference
<p>Association des traducteurs et traductrices littéraires du Canada https://www.attlc-ltac.org/fr/</p>	<ul style="list-style-type: none"> • Legal consultations offered. When the need is beyond their expertise, the 1st hour of consultation with an external legal adviser is paid for by the association
<p>Association québécoise des marionnettistes https://aqm.ca/en/accueil_en</p>	<ul style="list-style-type: none"> • Website links
<p>BC Alliance for Arts + Culture https://www.allianceforarts.com</p>	<ul style="list-style-type: none"> • Referral to Artists Legal Outreach in Vancouver (ALO)
<p>Calgary Musicians Association https://calgarymusicians.org</p>	<ul style="list-style-type: none"> • Access to services through the AFM Canadian office • Local labour + entertainment lawyers [not specified whether pro bono or for fee]
<p>Canadian Actors' Equity Association (CAEA) https://www.caea.com</p>	<ul style="list-style-type: none"> • Member access to representatives who offer advice and assistance on contract-related issues • In case of breach of contract, the Association acts on member's behalf

Name	Legal Services
<p>Canadian Artists' Representation/Le Front des artistes canadiens (CARFAC) - National</p> <p>https://www.carfac.ca</p>	<ul style="list-style-type: none"> • Option for members to submit request for information about specific legal issues by e-mail and be referred to available legal resources and services • List of resources for resolving legal problems in all provinces; members can email to request a copy • Copyright administration in collaboration with the Regroupement des artistes en arts visuels du Québec: The annual CARFAC-RAAV Minimum Recommended Fee Schedule
<p>Canadian Artists' Representation/Le Front des artistes canadiens (CARFAC) – Ontario chapter (Originator)</p> <p>https://www.carfaontario.ca/VALCO-Visual-Artists-legal-Clinic-of-Ontario</p>	<ul style="list-style-type: none"> • Direct access to legal services: Ontario, CARFAC members have exclusive access to the Visual Artists' legal Clinic of Ontario (VALCO) and free summary legal advice and free legal research if case deemed eligible • VALCO lawyers cannot represent the CARFAC member (other than in exceptional circumstances; to be determined on a case-by-case basis)
<p>Canadian Artists' Representation/Le Front des artistes canadiens (CARFAC) – Saskatchewan</p> <p>https://carfac.sk.ca</p>	<ul style="list-style-type: none"> • Limited legal advisory services for members; including: <ul style="list-style-type: none"> • One free consultation with a Saskatchewan Lawyer; specializing in Copyright but will consult on a variety of issues • Advisory documents on legal concerns; including cultural appropriation
<p>Canadian Federation of Musicians (CFM)</p> <p>http://www.cfmusicians.org/why-join/why-join</p>	<ul style="list-style-type: none"> • Contract protection: Free legal services to back up contracts (legal assistance team) • Emergency funds in case of cancellations • Insurance (Instrument and liability insurance) • Management of royalty streams - collection of additional payments from re-use, new-use and other special payments • Local chapters (e.g., Toronto Musicians' Association, Edmonton Musicians Association, Musicians' Association of Ottawa) or provincial chapters (e.g., CFM Newfoundland & Labrador) provide individual legal services: <ul style="list-style-type: none"> • Legal assistance and advice • Contracts (the Local files contracts; CFM provides legal backup/funds) • Immigration/visa/work permits
<p>Canadian Live Music Association</p> <p>https://canadianlivemusic.ca</p>	<ul style="list-style-type: none"> • We offer occasional webinars w/ lawyers from a variety of firms on particular subjects
<p>Canadian New Music Network / Réseau canadien des Musiques nouvelles</p> <p>https://www.newmusicnetwork.ca</p>	<ul style="list-style-type: none"> • Occasional professional development as well as website links
<p>Conseil québécois de la musique</p> <p>http://www.cqm.qc.ca/fr</p>	<ul style="list-style-type: none"> • An accountant is offering help during Covid-19, to the association members

Name	Legal Services
<p>Copyright Visual Arts – Droits d’auteur arts visuels https://www.cova-daav.ca/en/</p>	<ul style="list-style-type: none"> • “Copyright 101” on Website • Legal defence: Copyright Visual Arts may seek legal counsel and/or services to defend its members against infringement (assessment on case by case basis, considering merit and cost)
<p>Conseil québécois des arts médiatiques https://www.cqam.org</p>	<ul style="list-style-type: none"> • Workshops, roundtables with legal experts
<p>Creative Manitoba https://creativemanitoba.ca</p>	<ul style="list-style-type: none"> • Relationship with a law school program which has undertaken a variety of projects over a number of years • Worked with several lawyers who provided some basic pro bono advice through our “Expert Advisor” program
<p>Dance Ontario Association https://www.danceontario.ca/page-detail/about-dance-ontario</p>	<ul style="list-style-type: none"> • Referrals to ALAS
<p>Dance Umbrella of Ontario (DUO) http://www.danceumbrella.net</p>	<ul style="list-style-type: none"> • Information provided by staff and board
<p>Dancer Transition Resource Centre (DTRC) https://www.dtrc.ca</p>	<ul style="list-style-type: none"> • Legal counsellors on DTRC’s roster can provide information and advice on a variety of legal matters <ul style="list-style-type: none"> • Referrals to legal advisors are for consulting and advising purposes only • Any additional services will not be given by the legal advisor or covered by the DTRC • Have affiliated lawyers/legal professionals
<p>Edmonton Musicians Association https://www.afmedmonton.ca</p>	<ul style="list-style-type: none"> • As needed
<p>English Language Arts Network (ELAN) https://www.quebec-elan.org</p>	<ul style="list-style-type: none"> • Resources page on website, including resources for legal advice <ul style="list-style-type: none"> • In 2017, member survey on legal services, as well as discussions with lawyers who are willing to offer reasonably priced, personalized legal services⁶⁰
<p>En Piste, regroupement national des arts du cirque https://enpiste.qc.ca/fr</p>	<ul style="list-style-type: none"> • Collaboration with <i>Juripop</i> (https://juripop.org/nouvelle-image/) - preferential rates for En Piste member

⁶⁰<https://www.quebec-elan.org/2017/07/28/legal-services-survey/>

Name	Legal Services
<p>L'Association des compagnies de théâtre (ACT)</p> <p>https://www.act-theatre.ca</p>	<ul style="list-style-type: none"> • Contract and collective agreement negotiations as well as follow up to make sure that contracts are implemented
<p>Musicians' Rights Organization Canada (MROC)</p> <p>https://musiciansrights.ca/en/ https://musiciansrights.ca/en/royalties/</p>	<ul style="list-style-type: none"> • FAQ on website
<p>Orchestras Canada</p> <p>https://oc.ca</p>	<ul style="list-style-type: none"> • Occasionally commissions a lawyer to present at a conference, workshop or webinar
<p>Ottawa Festivals</p> <p>https://www.ottawafestivals.ca</p>	<ul style="list-style-type: none"> • Offers clinics or workshops that give members access to these [legal] professionals
<p>Professional Association of Canadian Theatres (PACT)</p> <p>www.pact.ca</p>	<ul style="list-style-type: none"> • On-staff Labour Relations Manager, supported by commercial law firm
<p>Playwrights Guild of Canada</p> <p>https://playwrightsguild.ca/about/what-we-do/</p>	<ul style="list-style-type: none"> • Education on rights and contract negotiations (Guidelines, handbook, standard contracts available on member dashboard) • Contract guidance: Members can submit contract-specific questions via email • Negotiation of collective agreements with the Professional Association of Canadian Theatres (PACT) every three years
<p>RCAAQ</p> <p>https://reseauartactuel.org</p>	<ul style="list-style-type: none"> • In the past, they had an agreement with a lawyer firm. This agreement is no longer active. When members need legal services, they are directed to RAAV
<p>Regroupement des artistes en arts visuels du Québec (RAAV)</p> <p>https://www.raav.org</p>	<ul style="list-style-type: none"> • Offering approximately one legal clinic per month with about five consultations each for a maximum of one hour each. (free for the artists but lawyer is paid by RAAV) • Lawyers provide legal information (not legal opinions) • Artists can get further legal information, if they wish, from the lawyer, in which case they will have to pay for the legal consultation
<p>Regroupement des arts interdisciplinaires du Québec</p> <p>https://raiq.ca/</p>	<ul style="list-style-type: none"> • Website links to juripop.org
<p>RQD</p> <p>https://www.quebecdanse.org/</p>	<ul style="list-style-type: none"> • Offers occasional workshops with lawyers as well as information on website

Name	Legal Services
<p>SaskMusic</p> <p>https://www.saskmusic.org/programs/legal-service-program</p>	<ul style="list-style-type: none"> • Legal Service Program (re)-established in 2015 • Offers up to 2 hours of free legal services for each member annually
<p>Society of Composers, Authors and Music Publishers of Canada (SOCAN)</p> <p>http://www.socan.com/about-socan/</p> <p>Includes the Society for Reproduction Rights of Authors, Composers and Publishers in Canada (SODRAC) since 2018</p>	<ul style="list-style-type: none"> • Advocacy to promote and further artists' rights • Legal proceedings before the Copyright Board of Canada and the Courts
<p>Songwriter's Association of Canada (SAC)</p> <p>http://www.songwriters.ca/legal-advice.aspx</p>	<ul style="list-style-type: none"> • Copyright registration service ("Song Vault") • Sample agreements/contracts vetted by legal Counsel, including commentary and explanatory notes on each of the contracts • No direct access to legal advice, but identifies specialized and experienced lawyers and provides link to the website of the legal Clinic ALAS
<p>The Writer's Union of Canada</p> <p>https://www.writersunion.ca/</p>	<ul style="list-style-type: none"> • Legal counsel on retainer • Website lists legal clinics of ALO, ALAS, ALIS, and ALSO; as well as specialized commercial law firms • Does not provide direct legal advice: <ul style="list-style-type: none"> • Provides templates vetted or created by lawyer • Provides contract advice and grievance counsel
<p>Visual Arts Nova Scotia</p> <p>https://visualarts.ns.ca</p>	<ul style="list-style-type: none"> • We use the Artists Legal Information Society (ALIS) - Nova Scotia
<p>Writers' Guild of Alberta</p> <p>https://writersguild.ca</p>	<ul style="list-style-type: none"> • Free legal consultation provided by [law firm] via the WGA, depending on how involved the question is (complex questions involving extensive research or billable hours typically require the member to make private arrangements with the firm) • Standing arrangement with a lawyer to provide members with 30 minutes of consultation
<p>Writers' Guild of Canada</p> <p>https://www.writersguildofcanada.com/about-the-guild</p>	<ul style="list-style-type: none"> • Negotiates and enforces collective agreements • Templates for industry standard writing contracts • Resolves disputes on working conditions, payment, and writing credits for screenwriters • Contact information for Lawyers: <ul style="list-style-type: none"> • Lawyer Referral Service (on website) • Direct contact information for specialized lawyers (on website)

6.4. Examples of Legal Services for the Arts Outside of Canada

Australia

Arts Law Centre of Australia

Australia is unique in having a federally funded, independent national community legal centre for the arts. It is operated by a full time staff of 11, which includes six lawyers and two paralegals. In addition, there are 240 pro bono legal practitioners across Australian States and Territories. The clinic volunteers include law students, law graduates, and lawyers. Arts Law provides legal advice and information on a wide range of arts-related legal and business matters, including contracts, copyright, business structures, defamation, insurance, employment, and taxation to artists and arts organizations across all art forms. Its *Artists in the Black* service is dedicated to Indigenous artists and arts organizations and service is provided by Indigenous staff.⁶¹

United States

In the US, legal services specifically for artists are provided by the many Volunteer Lawyers for the Arts (VLA) programs that serve artists through state-based organizations throughout the United States. Originally founded in 1969 in New York, there are today more than 30 VLA programs throughout the United States; forming not a single organization, but rather a network united by similar missions. These organizations provide a broad range of free and low-cost legal services and educational programs addressing the needs of artists and arts organizations of all artistic disciplines. Each VLA organization operates independently. Most are nonprofit organizations, while others are housed with local arts councils, arts services organizations, bar associations or businesses for the arts programs.

Volunteer Lawyers for the Arts of Massachusetts

Volunteer Lawyers for the Arts of Massachusetts provides legal services, advice, and educational programming to artists and cultural organizations in Massachusetts. The VLA has a panel of more than 500 volunteer lawyers (providing \$1,000,000 in free legal assistance annually).⁶² The services are operated through the Arts & Business Council of Greater Boston. Services include legal assistance as well as programs for Estate Planning, Patent Pro Bono; legal Support for Musical Groups; and Nonprofit incorporation.⁶³

Volunteer Lawyers for the Arts New York

VLANY provides legal services to low-income artists and all nonprofit arts organizations in every artistic discipline and has consulted with thousands of artists and representatives of nonprofit arts organizations each year. It is operated by a staff of 7, including a staff attorney.⁶⁴

California Lawyers for the Arts

California Lawyers for the Arts is a nonprofit organization founded in 1974 to provide legal services to artists and members of the creative arts community. In 1987, Bay Area Lawyers for the Arts joined forces with Volunteer Lawyers for the Arts-Los Angeles to form California Lawyers for the Arts as a statewide organization. CLA serves more than 11,000 artists annually, with nearly 1,800 paid members, including artists and arts organizations, attorneys, accountants, and teachers. Plays a significant role in advocating for legislation on behalf of artists' and their rights.

⁶¹<https://www.artslaw.com.au>

⁶²<https://artsandbusinesscouncil.org>

⁶³<https://artsandbusinesscouncil.org>

⁶⁴<https://vlany.org>

United Kingdom

Lawyers Volunteering for the Arts (LVA)

Established in 2012⁶⁵ with an *Arts Group Advice* pilot by a group of London law firms who wanted to offer pro bono legal support to the arts community and currently counting over 1,000 lawyers, LVA encourages solicitors to provide free legal advice to low income and nonprofit arts and cultural organizations or community group, irrespective of artistic discipline.

LVA works with arts organizations (rather than individuals) who would otherwise not be in a position to afford legal advice and have issues or projects that would benefit from free advice from a qualified solicitor. LVA is actively looking for referrals from arts organizations to assist with legal matters as diverse as intellectual property, contracts, legal structure, joint ventures, mergers, disputes, and policy development. LVA has placed over 60 legal matters with law firms. LVA targets their support at the arts groups that can least afford legal advice and specify income brackets in their referral form.

Artquest

Artquest's mission is to provide visual artists in England with practical support in building their careers; one aspect being to improve their understanding of artists' legal rights. Artquest's offering includes *Artlaw*, which provides free online information and education with an archive of over 300 arts-related legal articles, dozens of frequently asked questions on all aspects of art and the law, the free Artlaw TV channel, and the option to submit a simple legal query, which will be passed on to a panel of legal specialists (turn-around time longer than a week; details not specified).⁶⁶

QMUL legal Advice Centre: Law for the Arts Clinic

Queen Mary University Law School's legal Advice Centre (founded by a Patron in 2006) runs a monthly clinic for clients involved in the arts.⁶⁷ It acts as a first-tier advice agency, i.e., provides preliminary advice, outlines the processes that need to be followed, and explains any relevant legal issues. The clinic is run by student legal advisors who are supervised by qualified volunteer lawyers.

Design and Artists Copyright Society

The DACS provides online information (FAQs, articles (*Copyright Uncovered*), and summary factsheets) and provides members with individual advice on copyright and copyright clauses in contracts upon request within two business days. The DACS does not provide direct support such as drafting agreements or instituting legal proceedings; and emphasizes that copyright advice service is not a substitute for independent legal advice.⁶⁸

⁶⁵<http://lvfa.org.uk>

⁶⁶<https://www.artquest.org.uk>

⁶⁷<http://www.lac.qmul.ac.uk/advice/arts/>

⁶⁸<https://www.dacs.org.uk/knowledge-base>