

**CURRICULUM VITAE OF  
MICHAEL C. DONALDSON  
Tel. 310-277-8394**

PROFESSIONAL: Admitted to Practice by Federal Courts, 1967  
Admitted to State Bar of California, 1967  
International Film and Television Alliance, Arbitrator  
American Arbitration Association, Arbitrator

2013-Present Copyright Society of the USA, Executive Committee

2008-Present Donaldson & Callif, Founding Partner

Practice: Donaldson & Callif is an entertainment, transactional practice. The firm's emphasis is on independent film and supervising all aspects of production from financing through distribution. Donaldson has gained a national reputation as a clearance attorney through his work on fair use and rights issues. Donaldson co-wrote *The American Bar Association's Legal Guide to Independent Filmmaking*. He also wrote the award winning *Clearance & Copyright: Everything You Need to Know for Film and Television*, now in its 4th edition which was co-written with his partner Lisa Callif. It is used in approximately 50 film schools. He lectures regularly across the country. He is General Counsel for Film Independent (home of the Los Angeles Film Festival and the Independent Spirit Awards) and Writers Guild Foundation – West. He is former co-chair of the Entertainment Section of the Beverly Hills Bar Association. He is Treasurer and on the Executive Committee of The Copyright Society of the U.S.

This March 2016, he will be receiving the Daily Journal Clay Awards as part of their Annual California Lawyer Attorneys of the Year. In previous years, The Hollywood Reporter has included Michael in their list of 100 Power Lawyers in 2010 and 2011. The American Bar Association called him the “legal Obi Wan Kenobi” and fair use guru of the documentary film set in its Dec 2011 Journal's profile of him.

He is an avid skier, world hiker, and award-winning photographer. He won a gold medal at the 1998 Senior Olympics for Parallel Bars and won a silver medal on the rings. He currently works out on the flying trapeze.

EDUCATION: University of California Berkeley - Boalt Hall, Berkeley, JD 1967  
University of Florida, Gainesville, Florida, B.S. 1961

ADJUNCT  
PROFESSOR: California Institute of the Arts, *The Law of Producing Theatre*  
American University School of Law

1/16- Cal Arts Graduate Seminar: The Law of Producing Theater  
4/3/15

2/1- Cal Arts Graduate Seminar: The Law of Producing Theater  
4/12/13

1/27- Cal Arts Graduate Seminar: The Law of Producing Theater  
5/4/12

10/28 – American University Washington College of Law, 1 credit

10/29/11 course on Copyright, Clearance and Fair Use, Washington, DC

2/18 – Cal Arts Graduate Seminar: The Law of Producing Theater  
5/18/2011

Stanford Law School, Berkeley School of Law, USC Gould School of Law,  
Columbia College Chicago, UCLA, Chapman University, Loyola Law

GUEST  
LECTURER:

5/28-  
5/29/15 Moscow Film School, Moscow, Russia

5/16-  
5/27/15 American Film Showcase (AFS), Kiev, Ukraine

2/16-  
2/17/15 UCLA Winter Program in Producing, Los Angeles, CA

2/10/15 Loyola Law Chicago, Chicago, IL

7/14-  
7/15/14 UCLA Summer Program in Producing, Los Angeles, CA

2/24-  
2/25/14 UCLA Spring Program in Producing, Los Angeles, CA

2/5/14 University of Miami Cinema & Interactive Media  
Department, Miami, FL

12/11/13 Hiscox Insurance Co., Whose Permission Do I Need: Fair  
Use, Trademarks, and More, Los Angeles, CA

9/26/13 New York University, Whose Permission Do I Need: Fair  
Use, Trademarks, and More, New York, NY

7/15-  
7/16/13 UCLA Summer Program in Producing, Los Angeles, CA

7/25-  
7/26/12 UCLA Summer Program in Producing, Los Angeles, CA

10/24/11 Columbia College Chicago, Lecture on Copyright, Clearance  
and Fair Use, Chicago, IL

7/25 –  
7/28/11 UCLA Summer Program in Producing, Los Angeles, CA

7/20/2011 Columbia College Chicago, “Semester in LA,” Los Angeles,  
CA

3/23/11 Columbia College Chicago, “Semester in LA,” Los Angeles,  
CA

- 2/2/11 American University Washington College of Law, Lecture on Copyright, Clearance and Fair Use, Washington, DC
- 1/13/11 Guest lecturer at Chapman University via Skype for their production legal clinic

BOOKS:

*Clearance & Copyright: Everything You Need to Know for Film and Television*, 2014, now in its 4<sup>th</sup> edition is used in over 50 film schools.

*American Bar Association's Legal Guide to Independent Filmmaking*, 2010, co-author with Lisa Callif.

*Clearance & Copyright: Everything You Need to Know for Film and Television*, 2008, now in its 3<sup>rd</sup> edition is used in over 50 film schools.

*Negotiating For Dummies*, 2007, now in its 2<sup>nd</sup> edition, has been translated into 11 languages and has sold nearly 200,000 copies in English.

*Fearless Negotiating: The Wish, Want, Walk Method To Reaching Agreements That Work*, April 2007.

*E-Z Legal Guide to Trademarks & Copyrights*, 1995.

Donaldson contributed to the following:

*The Art of Film Funding: Alternative Financing Concepts*, 2012, Carole Lee Dean. (Contributing author).

*Independent's Guide to Film Distribution*, 2012, edited by Erin Trahan and Michele Meek. (Contributing author).

*Moving Images – Legal Standstill? The Film Heritage and its Legal Framework*, 2012, Paul Klimple, Book II Chapter 5: Fair Use and Archiving. German Publication. (Contributing author).

*Selling for Dummies*, 2011, Book V: Chapter 1 Preparing for Negotiating Success, Chapter 2 Planning the First Session, Chapter 3 Drawing Lines and Setting Boundaries, Chapter 4 Telling It Like It Is, Chapter 5 Win-Win Negotiating. (Contributing author).

*Thriving in the Work Place for Dummies*, 2010, Book I Chapter 5: Negotiating to Get What You Need and Deserve; Book 5 Chapter 4: Dealing with Difficult Bosses and Co-Workers (Contributing author).

*Statement of Best Practices in Fair Use of Dance-related Materials*, 2009, Produced by Dance Heritage Coalition (contributions to this report through the Legal Advisory Board).

*Code of Best Practices in Fair Use for Online Video*, June 2008, American University Center for Social Media (contributions through the Code of Best Practices Committee).

*The Documentary Film Makers Handbook*, 2006, Andrew Zinnes. (Contributing

author).

*Documentary Filmmakers' Statement of Best Practices in Fair Use*, June 2005, American University Center for Social Media (contributions through the Legal Advisory Board).

*Conversations with Michael Landon*, 1992, Tim Ito and Michael Landon, McGraw-Hill/Contemporary (Introduction).

ARTICLES:

“Parody, Satire, and Jokes” *Entertainment and Sports Lawyer, ABA Forum*, Fall 2015.

“Refuge from the Storm: A Fair Use Safe Harbor for Non-Fiction Works” *The Copyright Law Journal*, Spring 2012, 150 pages. Available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2232284](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2232284)

“What a Difference A Decade Makes”, *Journal of the Copyright Society of the USA*, 2010

“When the Joke is on Your Client” American Bar Association’s Media, Privacy and Defamation Law Committee, Spring 2009.

“Parody, Satire and Jokes” *Metropolitan News-Enterprise*, January 29, 2009

Donaldson is often called upon by various media to comment on various developments in the entertainment industry in general, but especially matters that invoke copyright issues. Publications include New York Times, Washington Post, Los Angeles Times, and numerous professional publications; radio and television including all three national network morning shows. He has been quoted in all of the following:

“Fair Use Rules can be a Boon” *Los Angeles Times*, July 27, 2014.

“Business of Law” *American Bar Association Journal* (Interviewee), December 2011.

“Fighting For Your Rights – The Importance of Copyright” *MovieScope Magazine* (Interviewee), September/October 2011

“Michael C. Donaldson Explains Fair Use,” *The Callsheet: Growing the African Film Industry* (Interviewee), August 2011

"Law & Moviemaking: 10 Legal FAQs That Can Make or Break Your Production," *MovieMaker: Complete Guide to Making Movies* 2011

“Making Bold Moves in Tough Times” *BusinessWeek: The Workplace* (Interviewee), August 14, 2008

“No Free Samples for Documentaries: Seeking Film Clips With the Fair-Use Doctrine” *The New York Times* (Interviewee), May 28, 2006

PROBONO  
PROJECTS:

2005 Helped draft and advised on the Documentary Filmmaker's Statement of "Best Practices in Fair Use."

2007 Helped draft the Rome Resolution to harmonize Fair Use in the European Union.

2007 Negotiated Fair Use Riders for Errors & Omissions insurance coverage in partnership with Stanford Law School Fair Use Project.

2009 Digital Millennium Copyright Act (DMCA) Exemption – Granted for documentaries.

2010 US v Stevens drafted Amicus Curiae in support of successful U.S. Supreme Court case invalidating statute outlawing wildlife depictions on first amendment grounds.

2011 Chevron Corp. v Berlinger in support of unsuccessful opposition to subpoena outtakes, Chevron Corp. v. Berlinger, 629 F.3d 297 (2d Cir. 2011).

2011 Helped draft legislation amending the Copyright Act to solve Orphan Works problem- Passed the Senate, stalled in the House.

2011 Amici Curiae of Lee & William Storey helped draft brief to urge the court not to categorically deem documentary filmmaking a non-profit business, and to recognize the process and expenses incurred in making documentary films.

2012 Digital Millennium Copyright Act (DMCA) Exemption – Granted.

2012 Amici Curiae of Ken Burns helped draft opposition to subpoena outtakes.

2012 Amici Curiae of McCray, et al. helped draft brief in support of Florentine Films' motion to quash nonparty subpoena.

2014 Google v Garcia Amicus Brief in support of successful 9<sup>th</sup> Circuit decision regarding actor's copyright claim, Garcia v. Google, Inc., No.12-57302 (9<sup>th</sup> Cir. 2014).

2014 Testified before House Judiciary Committee on behalf of Independent Documentary Association and Film Independent on the subject of Orphan Works.

2015 Digital Millennium Copyright Act (DMCA) Exemption - Granted.

AWARDS:

March 2016 -- The Clay Awards (The Daily Journal) California Lawyer Attorneys of the Year Awards

October 2015 – Top Boutique Law Firm of 2015 (The Daily Journal)

July 2011 – Top 100 Power Lawyers (The Hollywood Reporter). A list compiling the top 100 attorneys who are most influential in the entertainment business.

July 2010 – Top 100 Power Lawyers (The Hollywood Reporter). A list compiling the top 100 attorneys who are most influential in the entertainment business.

December 2009 – International Documentary Association Amicus Award winner. The Amicus Award was given to him in recognition of his significant pro bono work done on behalf of filmmakers. Over the past 25 years it has only been given to GERALD DREYFOUS, founder of Impact Partners, Steven Spielberg and John Hendricks, the founder of the Discovery Channel.

2009 – Benjamin Franklin Award for his book *Clearance & Copyright: Everything You Need to Know for Film and Television* 3rd Edition presented by Independent Book Publishers Association

2009 – Best Book Award Winner in the Current Events and Media Entertainment category for his book *Clearance & Copyright: Everything You Need to Know for Film and Television* 3rd Edition presented by National Indie Excellence Awards (NIEA)

2009 – Best Book Award Finalist in the Business category for his book *Clearance & Copyright: Everything You Need to Know for Film and Television* 3rd Edition presented by National Indie Excellence Awards (NIEA)

- December 2014     Max Kleven/Rin, Inc v. Daphne Hereford/Rin Tin Tin, Belleair Trading International, LLC, Case No. 13 CV 02783 AB (AGRx).
- December 2013     Siegel v. Greenfield/Evers, Case No. 72 140 Y 00216 13 S1M. Subjects of documentary, *Queen of Versailles*, tried to invalidate an exclusive grant of rights in their life story rights. Testified for a half day on the meaning and efficacy of such grants of rights.
- April 2012         Hannibal vs. Barton, Case No. BC445366. Attorney malpractice for alleged failure to disclose conflict completely and poorly drafted Bridge Loan Agreement; deposition taken; case settled before trial.
- July 2011          Katell Productions vs. Floyd Mutrux; Birgitte Mutrux; Jonathan Sanger; Joncar Productions, Inc; Northern Lights, Inc; John Dough, Inc; Boy from New York City, Inc; and Baby It's You, LLC, Case No. 72 140 Y 01175 10 SIM. Arbitration. Financial structure for Broadway musical and investor rights, attended testimony of Jeff Berg, their expert feeding questions to counsel. Case settled immediately before was able to testify.
- February 2011     Employers Insurance of Wausau and National Causality Company vs. New Corporation; Fox Entertainment Group, Inc; Twentieth Century Fox Film Corporation; Twentieth Century Fox International Television, Inc; New World Television Productions, Inc; New World Entertainment, LTD and Hiscox Insurance, Case No. CV08 6647 DDP. Copyright Infringement, Applicability of Ephemeral Exemption to the facts; extensive written report; case settled before trial.

- July 2009 Even St. Productions, Ltd. vs. Shukat Arrow Hafer & Weber, Case No. 05 CV 3834. Legal malpractice case. Evaluated and Formed an opinion with regard to the one-hour documentary film entitled “*Jimi and Sly: The Skin I’m In*” as to whether or not the use in the Film of various excerpts of songs written by Sly Stone fell within the doctrine of fair use of the U.S. Copyright Act making the case within a case worthless. Extensive written report submitted. Case settled favorably before trial.
- January 2009 CTB Film Company, A Russian Limited Corp. vs. Alschuler Grossman Stein & Kahan, LLP, a California Limited Liability Partnership; Matthew Saver, an Individual; and Does 1 through 100, inclusive, Case No. SC 092393. Legal malpractice; Did advice concerning and drafting of Actor contract meet the standard of care? Testified at jury trial for attorney/defendant. Client prevailed.
- December 2005 Morgan Creek Productions, etc. adv Blatty, etc., Case No. BC 334 394. Film released under two different titles with heavy edits that was nevertheless one production. Written report. Case settled favorably before trial.

LECTURES/  
SEMINARS/  
PANELS:

- 2016**
- 3/13/16 SXSW, Fair Use Docs & Fictions Films- Everybody is Welcome!, Austin, TX
- 3/6/16 Producers Guild of America (PGA), Clearance and Copyright Update: Everything You Need to Know, Los Angeles, CA
- 1/20/16 Art House Convergence, Legal 101, Midway, UT
- 2015**
- 9/5/15 Portland Film Festival, Documentaries, Fiction Films- Everybody is Welcome!, Portland, OR
- 6/17/15 Beverly Hills Bar Association, So You Want to Make an Independent Film, Los Angeles, CA
- 3/19/15 Texas State Bar, How to Find the Fair Use Safe Harbor for Non-Fiction Works, Houston, TX
- 3/14/15 SXSW, Meet the Insiders, Austin, TX
- 2/26/15 CSUSA LA, Lawyers Who Write, Los Angeles, CA
- 2/11/15 CSUSA Midwest Chapter, Fair Use in Fiction, Chicago, IL
- 2/10/15 IFP/Chicago, Fair Use for Filmmakers, Chicago, IL
- 1/21/15 Art House Convergence, Legal Clinic, Midway, UT

1/15/15 MLRC Southwestern Conference, Annual Southwestern Law School, Los Angeles, CA

**2014**

10/6/14 Big Picture Con, Atlanta, GA

8/7/14 University Film & Video Association, Donaldson's Annual Update, Bozeman, MT

**2013**

10/16/13 Beverly Hills Bar Association, Clearing the Present Danger, Beverly Hills, CA (Panel)

8/20/13 Film Independent, Filmmaker Tuesday, Los Angeles, CA

8/3/13 University Film & Video Association, Donaldson's Annual Update, Orange, CA

6/16/13 AMFM Festival, Fair Use in Art and Film, Coachella Valley, CA

6/12/13 New York State Bar Association, Fair Use Meets Fictional Film and Television: How They Can Work Together and Love One Another, New York, NY

6/11/13 New York Women in Film and Television, The Company You Keep: Protecting Your Documentary's Outtakes, New York, NY

4/4/13 Film Independent, Documentary Lab, Los Angeles, CA

3/3/13 Documentary Summit, Legal Issues: Clearance & Copyright, Los Angeles, CA

2/27/13 Los Angeles County Art Commission, Collective Bargaining Seminar, Los Angeles, CA

1/14/13 International Documentary Association, Doc U: The Doc Reporter, Los Angeles, CA (Panel)

**2012**

3/13/12 South by Southwest, Panel Picker: WTFair Use?!, Austin, TX

3/12/12 South by Southwest, Clearing Rights: What "Borat" Wrought?, Austin, TX

2/15/12 Berlnalé Talent Campus, The Contract Clinic, Berlin, Germany

2/15/12 Berlnalé Special Event: *SIDE BY SIDE*. Interview of Keanu Reeves and the director Chris Kenneally, Berlin, Germany

2/14/12 Berlnalé Talent Campus, Protecting Your Own Rights, with



Mareile Büscher, Berlin, Germany

- 2/4/12 Copyright Society of the USA mid-winter annual conference, Panel Moderator-- How Public is the Public Domain? Los Angeles, CA
- 1/30/12 Doc U of IDA, Understanding Fair Use: What constitutes fair use of copyrighted material and how it affects a project. Los Angeles, CA
- 2011**
- 11/2/11 Latin American Teaching Center Immersion Program, Los Angeles, CA
- 10/25/11 C&S Insurance, BAFTA and Hiscox New York Seminar, Negotiating the Fair Use Thicket, New York, NY
- 10/25/11 New York CLE, Exploring the Wild, Wild West of Film Making: Borat, Hidden Camera and Investigative Reporting, New York, NY
- 10/24/11 Chicago Filmmakers, How to Swim Safely in Treacherous Waters: Fair Use, Hidden Cameras, and All those pesky clearance questions that keep you up at night, Chicago, IL
- 10/21/11 Texas Bar CLE Entertainment Law Institute, Safe Harbor for Fair Use in Non-Fiction Books and Films, Austin, TX
- 10/18/11 Digital Hollywood- The Art of the Deal - Pointers, Advice & Hands-On Tools from Master Negotiators Panel, Los Angeles, CA
- 8/20/11 Art Directors Guild Master Class, Lecture on Clearance and Copyright, Los Angeles, CA
- 8/3-8/6/11 UFVA Conference, The Future of Media Education, Emerson College, Boston, MA
- 5/13/11 Connie Martinson Talks Books: Authors for May 2011, TV appearance [www.LACityworks.org](http://www.LACityworks.org)
- 5/3/11 Digital Hollywood- The Art of the Deal - Pointers, Advice & Hand-On Tools from Master Negotiators Panel, Los Angeles, CA
- 5/3/11 Digital Hollywood - Copyright Workshop, Los Angeles, CA
- 4/30/11 Film Independent Board Retreat, Los Angeles, CA
- 3/31/11 Film Independent Documentary Lab, Los Angeles, CA
- 2/23/11 Red Velvet Radio Interview with Holly Stephe

2/21/11	IDA Doc U Panel, Los Angeles, CA
2/14/11	Berlinalé Talent Campus, Let's Make it Legal, Berlin, Germany
2/7 -2/8/11	Binger Summit, Binger Film Institute, Amsterdam
2/1/11	New Fair Use Battleground Panel