



ALIS volunteers Daniel Pink, Kelsey McLaren and Noémi Westergard with artist Susan Tooke in her Halifax painting studio.

Nova Scotia Artists Legal Information Society

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Articles Clerk, McInnes Cooper

day, and Nova Scotia is no exception.

The Nova Scotia Artists Legal Information Society (ALIS) is breaking new ground in Atlantic Canada. The organization is the region's only non-profit society dedicated to providing free legal information customized for visual artists, writers and musicians.

The journey for ALIS began nearly four years ago, when a group of students at the Schulich School of Law decided they wanted to help artists with legal issues. They modelled the society after similar organizations in Canada, such as the Artists' Legal Outreach in B.C. and the Artists Legal Aid Services in Ontario. Kelsey McLaren, an associate at Pink Larkin, Daniel Pink, an associate at Wickwire Holm, and Noémi Westergard, an associate at Blois Nickerson, became the first board members.

"We believe in people being aware of their rights," says McLaren. "Artists don't go to lawyers for advice a lot because of cost. They're not

When artists need legal help, where do they go? It's an issue facing many artists every

sure what recourse they have when problems arise."

The ALIS mission is simple: provide as much legal information as possible to artists. The organization has a legal database and artists have the opportunity for one-on-one consultations from a network of volunteer lawyers.

The group is currently developing legal information guides focused on musicians. "It's a neat time to be a part of ALIS," says Westergard. "New board members are involved in helping to build an organization."

The major issues facing artists involve copyright and contract law. Christene Hirschfeld QC, one of the province's few intellectual property lawyers, says many of her clients are dealing with copyright infringement.

"The problem for artists is how to protect your work when it's readily available on the Internet," says Hirschfeld, a partner at BOYNE-CLARKE LLP in Dartmouth. "It's acceptable in our culture to exploit other people's work. It's hard to find out who is using your work and stop it."

Illegal downloading of music, film and television shows has artists worried about how to protect their work. Even when artists can afford legal advice, the costs associated with litigation can be too high.

“If you’re successful, you may have all your money but you’ll never get your time or energy back,” says Hirschfeld. “We need a different model where artists can be compensated for their work.”

Artists have unique legal needs. Many are self-employed with little income. Susan Tooke, a long-established visual artist in Halifax, says the life of an artist involves many legal issues.

“We are at a loss,” says Tooke. “We have very little income that fluctuates widely. The average artist in Canada is earning \$14,000 a year. Women artists earn several thousand less. We have no pensions. We’re self-employed and running a business. Many support themselves with other jobs. Canada doesn’t value arts like other places.”

Recently, Nova Scotia took a step towards supporting artists through the *Status of the Artist Act*, which recognizes professional artists and allows arts associations to set levels of pay for artists. While Tooke supports the legislation, she believes more legal reform is needed.

“Artists need special treatment in tax law,” she says. “Income can change rapidly. You can sell one year and not the other. I’ve got huge costs involved with travel, computer and materials. The ability to income average could make a big difference.”

Access to legal information is difficult for many artists. Tooke serves as a board member for Canadian Artists Representation/Le Front des Artistes Canadiens (CARFAC), an organization working with artists to create industry standards for contracts, fair compensation and other related issues. Recently, she worked with CARFAC Maritimes members to try and create a best practices guide similar to the Best Practices for Saskatchewan but the project was stalled due to a \$3,000 shortfall in funding.

Many artists are missing the basic knowledge to advocate for their rights, says Tooke.

“We don’t have the occasion to talk to lawyers,” she says. “When you start out as an artist, you’re discouraged to ask for a contract because you’re anxious to have your work shown. We’re all in the dark on what would be possible. It’s out of our reach for many of us.”

ALIS is hoping to step in for artists to help. After a successful recent AGM, the board continues to look for volunteers to help with fundraising efforts, communications and event planning. They hope to host another workshop event in the spring.

“We’re the only organization in Atlantic Canada that’s doing this groundbreaking work,” says Westergard. “It’s nice to know that there’s a legal lifeline out there for artists.”

For more information on the Nova Scotia Artists Legal Information Society, visit nsalis.com or email info@nsalis.com.

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