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Lawyers take their practices to the stage, TV — and the conference room



James N. Alexander received a boutonniere from Maureen Collins during the Lawyers for Creative Arts (LCA) 40th anniversary party in September. The event was a fundraiser for LCA. Alexander is a past president at LCA and currently on LCA's Honors Council. Collins chaired the event. Photos by Noah Gage.

By Sherry Karabin

Say the words “entertainment law” and many students and young attorneys conjure up images of representing television, film and rock stars, complete with invitations to parties and complimentary tickets.

In reality, however, the everyday practice of entertainment law is not all that glamorous, and for a lawyer in this area, it involves disciplines, ranging from corporate transactions to intellectual property and a chance to serve a variety of clients working in the entertainment field.

Chicago Lawyer spoke with attorneys, teachers and students to see what skills lawyers must exercise, how the area has changed and what opportunities exist.

Understanding the requirements

Maureen Collins, assistant professor at The John Marshall Law School, said many students

seem surprised to learn that while entertainment law clients may seem glamorous, the areas of law in which students need expertise are not.

“There is no such thing as Movie Star Law 101,” said Collins, who teaches trademark and copyright law along with first-year writing skills to students interested in IP.

“To be an entertainment lawyer, students have to focus on more traditional areas like contract, employment and tax law in addition to intellectual property issues.”

Like many law schools in Chicago, John Marshall does not offer an entertainment law specialty, but it does offer courses in pertinent areas and an extensive IP law program.

“The students who are interested in entertainment law come from different backgrounds,” Collins said. “Some studied journal-

ism or political science, a few are already artists or involved with them; most are excited about the idea of being around creative people.”

Collins sits on the board of directors of the nonprofit organization Lawyers for the Creative Arts (LCA), which offers pro bono legal services to artists who often cannot afford an attorney.

Incorporated in 1972, LCA relies on its two staff lawyers and on the pro bono services of hundreds of attorneys, including board members, who represent all types of artists by drafting contracts and handling matters ranging from business disputes to IP infringement.

In some cases, LCA is where many practicing attorneys in Chicago represent their first entertainment law clients and make connections with other lawyers in the area.

“Most clients come to us lacking written agreements to show who owns the rights to any creative content they may make,” said Marci Rolnik, who has served as legal director of LCA since 2004.

“It is our job to unscramble the facts and help the client to document a clear chain of title in any artistic work.

“We also have clients who need help with copyright, contract, corporate, employment, finance, privacy, real estate, trademark and fair use questions.”

Although there is no formal mentorship program, she said “LCA has an amazing peer-to-peer network of experienced attorneys.

“We share pointers, forms and primers on legal issues that affect entertainment and art businesses and do our best to get new volunteers up to speed,” she said. “Some have gone on to build practices based, in part, on legal experience honed handling pro bono LCA projects.

“I had a lot of contacts in creative fields who

needed legal help at about the time I started to practice. It did not take long to put two and two together,” said Rolnik, a former live performance photographer.

“I really love copyright law and a lot of what I do as an entertainment lawyer involves these issues.

“Educating clients is the best part of my day every day because they tend to think they are in a much worse position than they actually are and then we have this wonderful revelation that copyright law is on their side and can help.”

Building a firm

Thomas Leavens, a partner at Leavens, Strand, Glover & Adler, got his start at LCA.

“Initially I wanted to work for the Federal Communications Commission, but while I was looking for a job I saw a listing for Lawyers for the Creative Arts in Chicago and a light bulb went on,” Leavens said.

He said his work at LCA exposed him to industry issues, giving him a chance to meet other entertainment attorneys. Today, he focuses on transactional matters involving production and distribution, occasionally handling trademark and copyright litigation.

“Technology has created so many distribution platforms and issues,” he said.

Leavens, who teaches music law at Northwestern University School of Law, tells his students that an attorney must learn where the value exists in a transaction and capture and protect it.

“The value in an entertainment transaction is found in copyrights, trademarks, rights of identity, data and certain contractual provisions such as rights of first refusal, exclusivity and disclosures,” Leavens said. “There is also value in URLs, social media and a combination of all these elements.

“It used to be that a show’s producer might be concerned about cable and DVD rights, now everyone is trying to get as broad a range of rights as possible to cover as many technologies as possible.”

Jerry Glover, also a partner at Leavens, Strand, Glover & Adler, did not start out with plans to become an entertainment lawyer.

“I was a teaching assistant at the University of Oklahoma, where I was enrolled in the graduate journalism program and the professor I was working for was a lawyer,” said Glover, who serves as president of the LCA board. “My work with him first stoked my interest in law.

“When I started out I wanted to be a First Amendment attorney, but I realized the area

was very narrow unless I wanted to move to Washington, D.C.”

Instead he moved to Chicago, teaching at John Marshall and representing theater directors, choreographers and others part time. In 1986, he took a job at the public television station WTTW-TV Channel 11.

“It was a major production station both locally and nationally, so I got a lot of experience in television production, cable and foreign licensing,” Glover said.

When he left to join The Entertainment & Intellectual Property Group law firm, he had reached the level of senior vice president and general counsel at the station and its commercial radio station, WFMT-FM 98.7.

Glover, who once wore many creative hats while working with a repertory company in Arkansas, said the field is what he expected.

“I do meet a lot of celebrities, but we are not best friends,” he said. “It is really just about the practice of law and I enjoy it.

“When I started, there was no Internet and digital media were not a factor. Now I have to figure out how to monetize all the various technologies and protect my client from the hacking and theft that can occur.”

He continues to focus on agreements involving production companies, directors and talent, but recently he added reality show producers and digital media.

“I deal with software development contracts, privacy policies such as what personal information can be used on websites, take-down notices and copyright issues,” Glover said.

“There are not a lot of firms like ours that focus solely on entertainment law in Chicago. Intellectual property attorneys at large firms

sometimes have entertainment clients, but they do not devote their entire practice to them.”

His work with LCA, he said, helped him get clients early on, resulting in his meeting Leavens and Peter Strand.

His other partner, David Adler, represents technology and software clients in corporate and IP transactions and litigation matters. He began focusing on IP in law school, jumping into e-commerce in the late 1990s.

“I started my own practice and over time I found myself doing more arts and entertainment work,” Adler said. “As the Internet and e-commerce took off, people in the entertainment industry were looking for someone who really understood the way things worked, so you might say I was in the right place at the right time.”

A musician, Strand grew up in the suburbs of Milwaukee.

“I went professional my senior year of high school,” Strand said. “During my senior year in college, we started a new band and we played full time for the next nine years. We signed a recording contract with RCA in 1979 and produced and released two full-length albums, but by 1984 we were on a downward trend, so I decided to make a change.

“I took intellectual property, trademark and contract courses in law school. I got my first job as a litigator. People I played with started calling me and asking for advice and I started educating myself on the entertainment side of things.”

Recorded music, he said, does not hold the same status in popular culture as it used to.

“There are a lot more outlets of interest; video gaming has surpassed motion pictures in terms of dollars,” he said.

“Compensation has also changed. It used to



William H. Frankel joked with Mary Hutchings Reed during Lawyers for Creative Arts’ (LCA) 40th anniversary party. Frankel is a past president of LCA and Reed is the on the LCA Board of Directors and chaired the anniversary.



(From left to right) Thomas Leavens and E. Leonard Rubin talked during the Lawyers for Creative Arts anniversary party.

be that an entertainment lawyer took 5 percent of the deal in music and advances were several hundred thousand dollars to one million, now they are less than six figures, so you have to do more work.

“The income loss in the sale of recordings has led record companies to take a piece of the artist’s live performance income.”

Strand said “aggregator companies,” like *cd-baby.com*, also got into the mix, charging artists a fee to sell their music on iTunes and Amazon.

Building a practice

Holland & Knight Partner Robert Labate got involved in entertainment law in the early 1990s at Defrees & Fiske.

“I began by negotiating a talent agreement with Nickelodeon for a client at a talent agency,” said Labate, a member of the media and restructuring groups at his firm. “After that deal I began writing about it and volunteering for Lawyers for the Creative Arts, where I got to know other lawyers who did this.”

Labate said he likes the problem-solving aspect of the job.

“What happens if someone gets onto the elevator while I’m filming my documentary?” he said. “May I use the person’s identity in the film without his consent? The answer changes depending on where the film is being shot and the nature of the film, that is, whether it is a scripted feature film or is it a documentary?”

Labate, whose practice is about 40 percent entertainment law, said because of digital media, “the days when someone could say I’m just a film lawyer are over, now entertainment lawyers have to be prepared to do it all.”

E. Leonard Rubin, of counsel at Querrey & Harrow, said about two-thirds of his practice involves entertainment law. His foray into the area began in earnest when he became general

counsel for Playboy Enterprises.

“When I went to law school, I was hoping to work full time in the arts and perhaps have a law practice, but it quickly became obvious that I had to choose, so I went for a law practice that concentrated in the arts,” said Rubin, a former actor and director.

He said his work at Playboy was “glamorous and exciting, but not the way you might think. I did not hang out with the Playmates or go to wild parties because they were not the ones who I was hired to help.”

“I worked with people who were always looking for creative ways to enhance its image,” Rubin said.

Rubin, who teaches entertainment law at John Marshall and at the University of Illinois College of Law, tells his students about his work at Playboy to dispel any unrealistic beliefs they have.

Rubin said he gravitated toward copyright law.

“It is mind-boggling how difficult the copyright area has become,” he said. “Today things can be copied and uploaded so easily and they can go viral before the owner even has the chance to send out a ‘take-down notice.’ This problem never existed before on this scale and no one has been able to come up with a sensible solution to solve it.”

A different direction

While many entertainment lawyers give up the arts to become attorneys, things worked in reverse for the Entertainment & Intellectual Property Group’s Managing Partner David Garfinkle.

He founded the firm in 1994, one of only a few in Chicago at the time that devoted its efforts to entertainment law. Today, it continues to consult on a variety of transactional matters for film, theater, music and publishing companies.

“When I started the firm, I was an intel-

lectual property lawyer who had worked for other larger firms, doing work in the entertainment context,” Garfinkle said. “Over the years I’ve moved away from the legal side a bit and gotten more into the production side of things.”

Garfinkle now chairs Hello Entertainment and Hello Entertainment Releasing, responsible for originating “Spider-Man: Turn Off the Dark” and “Ghost the Musical” in the West End of London and on Broadway.

“I continue to consult on high-profile legal matters, but day-to-day work is handled by Hillel Frankel,” Garfinkle said. “It was not my plan to go into production, but the opportunities my work presented put me in a unique position to develop large, creative projects.”

Katherine Lauderdale, former general counsel to Window to the World Communications (WWCI), parent to both WTTW and WFMT, said the idea of becoming part of the creative process drew her to entertainment law.

She began at WWCI in 1982, after working in general corporate and commercial real estate law at Schiff Hardin.

“When I joined the firm, it represented the White Sox,” Lauderdale said. “That ultimately sparked a desire to create a business plan and develop a sports or entertainment law practice but, in the midst of that, I got a call from a headhunter saying WWCI was looking for a lawyer.”

In June 2002, she joined Public Broadcasting Service in Virginia as senior vice president and general counsel.

“I like the idea of representing one client from soup to nuts,” said Lauderdale, who volunteered on the board of LCA for about 20 years.

“I advise students interested in the area to get a good grounding in transactional work at a law firm.”

Attorney Carmelita Tiu also chose to work in-house. A graduate of the School of the Art Institute of Chicago, she said she wanted “to support creative endeavors.”

She began at Harpo Productions Inc., handling production matters for “The Oprah Winfrey Show” and Oprah Winfrey Network programs.

She later became corporate counsel to the design and branding firm, VSA Partners Inc.

“I wanted to stay in-house, preferably in an environment where I could continue to work with creatives while building my skill set,” she said. “Being part of an advertising company has proven to be interesting and challenging work.” ■

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