



ATTORNEY SEARCH

By Mishkah Ismail

PRACTICING ENTERTAINMENT LAW: EXPOSING THE TRUTH BEHIND THE GLAMOUR MYTH

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Not too long ago, practicing entertainment law was a dream job for many up-and-coming law students, as well as attorneys looking to lateral into their truly desired specialties. Dreams of a glamorous lifestyle were all too common: visions of the chance to hobnob with celebrities, to work on the most interesting cases in the profession, and many perks, such as concert tickets, attending movie premieres, and sporting events, danced in their heads. Along with the high salaries and potential to cross over into a highly desirable entertainment company as in-house counsel, the glamour and fame that many assumed came hand in hand with this job made this dream irresistible.

In reality, working as an entertainment lawyer is not as glamorous, and maybe this perception has finally reached the general lawyer population, since the number of applications to these firms has dropped in recent months. In truth, few entertainment law firms have the kinds of perks, desirable clients, and lifestyles people often associate with them. But entertainment law still remains a highly desirable profession, with many unsure what the practice actually entails aside from the myth.

What is entertainment law?

Depending upon whom you ask, you will find a variety of answers to the question. While there is no agreed-upon definition per se, entertainment law is actually just a distinction based upon the type of clients rather than the type of work these lawyers practice. Entertainment lawyers typically counsel clients in business or intellectual property law, including accompanying contracts, copyright, litigation and licensing issues, and sometimes other concerns that pertain to employment, securities, international, taxation, and immigration practice areas. In actuality, an entertainment lawyer spends his time performing research, writing briefs, and filing motions just like any other contract, business litigation, or I.P. lawyer.

The reason behind the entertainment specialty is that the clients these lawyers provide services for happen to be in the entertainment business in some capacity. While firms who represent talent will deal with celebrities, those who represent management deal with companies. Often this means clients who are heads of Warner Bros., MTV, CBS, and many other high-profile corporations. And while you may get the chance to have a celebrity client, your everyday existence consists of tasks that most litigation lawyers deal with, such as writing briefs, taking depositions, researching topics, and filing motions. While perks such as tickets and premieres occasionally come with the territory, they are not an industry norm. The truth is, you still spend the majority of your time at the office doing research and writing, just like other lawyers. Attending high-profile events and getting whisked

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away by clients in limos to movie premieres, dinner events, and sporting arenas are infrequent perks that cannot be expected. If this is the life you think entertainment lawyers have, then this practice area will leave you very disappointed.

In addition, dealing with celebrities does not always live up to the reputation. You go to work and see a noted celebrity in the elevator, only to discover he is attending a deposition with a senior partner at your firm; and while there may be a rapport, oftentimes dealing with creative, high-profile entertainment industry types can be more frustrating. While you may get the occasional glimpse at a celebrity, the star-struck tendency quickly dissipates, and the deposition or meeting becomes like many others: addressing the facts of your client's case and their concerns. Furthermore, a lot of celebrities are difficult to deal with, showing up notoriously late to court appearances or missing them altogether, pulling fits about wearing suits, or simply being temperamental. Suddenly, you may find yourself yearning for the normal, non-entertainment client.

This is not to say that practicing entertainment law lacks excitement. On the contrary, the intellectual property issues that emerge, as well as defamation, contract, and copyright issues, are all interwoven into an interesting and appealing context. What may appear tedious and dry in an I.P. firm suddenly comes alive against the backdrop of the latest television show or may involve an interesting set of circumstances the average client just does not face. Quirky and humorous and often very appealing, the cases are interesting in nature. But again, the tasks are the same: research and writing, motions, and court dates that are required for other cases.

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In addition, working with and for members of the creative industry creates an interesting merger of law and business and a context removed from typical intellectual property scenarios, which can be tedious and dry. Rather, working on high-profile or newsworthy cases that appeal to the public's sense of popular culture can be exciting. Because of this, your cases make for the best dinner conversation. They are the types of stories both colleagues and the general public will be interested in hearing. This makes the practice exciting. Despite the long hours and intense work schedule, the cases are interesting to work on and talk about, and this makes for a desirable aspect to the specialty.

Breaking In

Breaking into the entertainment field is difficult, whether you are a law student or whether you are a mid-level associate seeking a lateral position. The bottom line is you must have worked in the capacity that entertainment law requires: intellectual property cases, preferably complex, as well as business litigation for well-known clients related to the entertainment sector. In addition, networking and luck also play a large role in landing this type of position.

As a student, the ability to earn a position in the entertainment law field depends upon the combination of going to a top school or working at an IP or business litigation firm to have the crossover topics, as well as luck. As an associate, the competition continues to be fierce, and, again, working in a similar industry is key. Networking--having appropriate contacts--will be the important component to help secure a position in this ever-desirable specialty. This will be important again if you decide to consider the partner track, go solo, or seek an in-house position at an entertainment company.

You have to be able to show the firm that you can handle the caseload and the type of work, as well as to understand the true nature of entertainment law. This means that if you want to practice entertainment litigation, you must show your strength as a litigator for complex business cases with high-profile clients, just the type of work you will end up practicing at the entertainment law firm. In addition, you must show an eagerness to work on these types of cases and that you realize you will be a hard-working attorney who happens to work in the entertainment sector.

What it takes to succeed

As has often been noted, the world is a small place, and the legal world is no exception. The chances of your running into someone you know or once knew or someone removed by three degrees of separation is highly likely in this context. Networking is crucial to making your mark as an up-and-coming attorney. In the entertainment

industry, this is even truer. The world of entertainment law is a small one, with the primary cities being New York, Los Angeles, and Nashville. Certainly you are bound to run into someone you know either as opposing counsel or in some other context. This means that keeping cordial relations with all parties and all attorneys on a particular case is particularly important if you seek longevity. Also, keeping contacts allows an attorney to stay abreast of the changes in the profession, which occur frequently, and all of this allows an attorney to consider options that are not readily available or advertised. This usually translates into in-house opportunities, which are considered to be the most desirable positions in the entertainment field.

Networking is also imperative in the entertainment industry to create business for your firm. You need the contacts and the name to learn about a potential client's business and to meet a potential client directly or indirectly as well. This is crucial because in this industry, reputation and visibility are often the most relied-upon factors clients use in determining whether to work with you. If you are seeking to become partner of an entertainment firm, you will have to network to gain a reputation and bring in business to show a firm your strengths and your irreplaceability.

Conclusion

While entertainment law does not coincide with the myth, it is still a highly desirable and extremely competitive specialty. Entertainment lawyers work on complex cases, spending the majority of their time in the same manners that other lawyers do, and yet they are seen as the more glamorous members of the profession. Regardless of the myth, these lawyers work on interesting cases that affect basic rights of members of the creative industry.

Whatever the choice, one must consider what the practice actually entails, going beyond the popular myth. It may just be that you are actually happy with the position that you have. Otherwise, a position in the entertainment field can achieve the sense of excitement and visibility that will leave you with a level of job satisfaction you have not yet experienced. If that's the case, entertainment law may just be your calling.