

ATTORNEY PROFILE



Amy E. Mitchell

How I Got Started Practicing Sports and Entertainment Law:

Well, there's a long story and a short story...

The short story is that I was scrappy. A few pages into Passman's *All You Need to Know About the Music Business*, I was dead set on becoming a music lawyer and didn't consider anything else from the moment I applied for law school. Upon graduation, I realized that it's very difficult to hang a shingle for a narrowly focused entertainment law practice so I had to: get more involved in the local music community; network like crazy; educate myself through CLEs and industry books; and, most importantly, find clients who would take a chance on a young solo music attorney by promising to work hard and setting fees on a sliding scale basis and/or bartering. (Fortunately, my client base has grown steadily over the years, and bartering for haircuts is no longer part of my fee structure.)

As for the long story, how many pages do I get in the Journal? Seriously though, there are two other significant pieces of my story that helped me get started in entertainment law:

1. Being a musician gave me a lot of credibility with the artist crowd. I was out there playing shows at Mohawk or Emo's at midnight and lugging gear. As a result, the musicians could see me as one of them – someone who would understand their needs and respect the creative process. Frankly, I think many artists are turned off by their perception of how an attorney looks or acts. As Amy the Singer/Keyboardist, I was a more accessible version of an attorney.
2. I credit much of my success to meeting the right mentors at the right time. Over the years, I have been very fortunate to work closely with both veteran music attorney Chris Castle and beloved local film attorney Deena Kalai. (If either of you are reading this article, thank you!) I also have good relationships with many other entertainment attorneys around the country. Having more experienced attorneys to turn to when confronting issues as a solo is invaluable.

What I enjoy most about my job:

I love the variety. I could never be one of those people sitting at the same desk every day filling out the same TPS reports. The law constantly evolves, as does the entertainment industry. Coming from a long line of teachers, I like that I have to continue learning and stay up-to-date on the current terminology and court rulings to best represent my clients. I like that I have creative clients with unique needs that require me to be creative in my approach to structuring deals and drafting contracts. Basically, I love my job.

Details of Interesting Cases:

Although I'm a transactional lawyer, I did work on a very interesting case involving Antone's Records and their second attempt to use the bankruptcy system to avoid their payment obligations to their recording artists. For nearly two years, I was part of a small team of attorneys working on behalf of the hundreds of musician and publisher creditors who were owed royalties by Antone's. We sifted through thousands of pages of documents and deposed multiple shifty figures from the Antone's Records camp in an effort to bring to light their shady record-keeping and accounting practices. Ultimately, the bankruptcy judge ruled that the entire Antone's Records catalog could be auctioned off, and the master recordings were subsequently purchased by another label in a fascinating live auction (including "phone in" bidders) in a bankruptcy court in Austin. The new label also agreed to wipe out any recoupment balances and generally to improve the terms of all the recording artist agreements.

Continued on page 10.

How I Got Started Practicing Sports and Entertainment Law:

Continued from page 9.

As far as interesting transactional matters, I'd have to say that negotiating "air sex" riders for a recent movie was highly entertaining. I never in a million years would have guessed that, as film production counsel, I'd be debating with agents and attorneys how to define simulated sex acts and/or whether "side boob" could be shown. I also negotiated language regarding a penis double, which we affectionately termed the stunt penis. (The movie is called *The Bounceback* if anyone's curious.) I had good dinner conversations that week (without mentioning names, of course).

How Do You Find Clients:

As a solo attorney, I rely heavily on word of mouth as well as referrals from other attorneys. I've also invested a good bit of time creating my law firm website and running a music law blog. That said, I find that doing a good job for a client at a fair price is the best marketing one can do because then (a) she keeps coming back for assistance and (b) she will tell her friends in the business.

Advice For Attorneys Who Want to Practice Sports and Entertainment Law:

1. Be patient.

I think that most entertainment lawyers, especially outside of major industry cities like New York and L.A., would tell you that it takes time to grow and nurture an entertainment law practice. Don't expect to graduate from law school or leave your steady law firm job and immediately find a dozen of the hottest musical acts who will then get signed to major record deals. Indeed, I used to tell people my music law practice was like an indie rock band – I only did it on nights and weekends and expected to make very little money on it for years. I was right.

2. Be knowledgeable.

Learn as much as possible about the industry. Most people don't realize how important it is to understand the entertainment business, and they approach this area of the law as they would any other law job. In order to best represent entertainment clients, you have to know their lingo and what they're up against – what kind of people they deal with, who is interested in getting what and why. If you can talk to a prospective client in his language, he's much more likely to hire you.

3. Be flexible.

At its most basic level, entertainment law is a broad term used to cover the areas of law necessary to provide legal services to persons in the entertainment industry. Accordingly, it involves a mix of many general practice areas (employment/labor, contracts, copyright, trademark, corporate/securities, First Amendment, etc.). Taking jobs in any of these fields may prove valuable if you are trying to build an entertainment law practice. There's not a standard path to becoming a successful entertainment lawyer. Be flexible, and be prepared to forge your own path.