

CHOOSING AN ENTERTAINMENT ATTORNEY

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When do I need an Attorney?

Many people feel comfortable and have the competency to handle most aspects of their business affairs. Others feel they should not sign anything without speaking to their attorney. Attorney's fees are certainly affected by that decision. Suffice it to say that the more you know about the standards and customs in the industry and the more experience you have, the more likely you will know what issues you can handle yourself and what issues demand an attorney's attention.

Certain matters should always be handled by an attorney. It is imperative that any long-term contract, or contract which involves important rights and obligations, be reviewed and negotiated by an attorney. You should engage an attorney when you are sued (except perhaps in conciliation, or small claims, court). You should also engage an attorney when you need to determine whether you have a significant legal claim. If a contract or other legal issue is significant to your career or your project, if it is complex, or if a lot is at stake, you better get an attorney involved.

What is an Entertainment Attorney?

Once you decide you need an attorney, will any attorney do? All attorneys are not alike. True, every practicing attorney must have a college degree, a law degree, and be admitted to the bar; however, as with many other professions, attorneys often specialize according to practice area, courts of practice, and jurisdictions of practice. It is not unusual for certain attorneys to perform only court (litigators) or non-court (transactional) functions. If you work in the film and

television industry you want a knowledgeable and experienced entertainment attorney.

Entertainment attorneys perform a variety of services. They counsel and advise on legal and business matters, negotiate entertainment deals and draft legal documents, protect your intellectual property and litigate disputes in court. Some also act as agents, actively soliciting deals on behalf of the client, or as managers, performing business functions not typical of an attorney. An experienced entertainment attorney knows not only the relevant law, but also the customs of the industry and the value of the client's products and services.

How do I choose an Attorney?

The first step in choosing an entertainment attorney is generating a list of prospects. Personal referrals are great. Talk with business colleagues, family and friends about attorneys they have used. Industry organizations like IFP/N have a wealth of information, including information about attorneys. Go to your local library (or log on the Internet) to use the Martindale-Hubbell Law Directory and other publications which rate attorneys.

Once you have generated a list of entertainment attorneys, research the attorneys on your list. The goal is to get an attorney whose experience and skills fit with your particular needs. Ask about each attorney's reputation in the industry and within the bar. Investigate each attorney's technical as well as ethical reputation. Despite criticism attorneys may receive in general, know that attorneys are held to high ethical standards which nearly all attorneys adhere to with conviction.

After you have narrowed down your list, phone the remaining attorneys individually and seek a personal consultation. Confirm in advance whether the attorney charges a fee for the initial consultation. It is not reasonable to expect free advice from a attorney.

However, many attorneys will provide an initial consultation or for free or a reduced amount.

During the consultation, consider the attorney's knowledge, experience, and the attorney's estimate of time for handling the matter. Evaluate whether your working style and the attorney's working style are compatible. Inquire about cost, including flat fees, hourly rates, retainer fees, contingency fees, and variable contingency arrangements. At the close of the consultation, or shortly thereafter, make clear to the attorney whether you wish to retain that attorney. Only by retaining an attorney is he or she obligated to act on your behalf. Simply consulting with an attorney creates no obligation.

The best attorneys will welcome the opportunity to meet with you, answer your questions, and be compared with their peers in the industry. Using this process you should be able to successfully hire an attorney who is right for you.

What do I pay Attorneys?

Most attorneys are paid on an hourly basis. Experienced entertainment attorneys in the Midwest charge \$200 to \$300 per hour. On the west and east coast similarly skilled attorneys charge \$250 to \$500 per hour.

In the entertainment industry, attorneys also sometimes charge a percentage or contingent fee depending upon the amount of the fees and the likelihood of a successful result. Since this presents a greater risk to the attorney (if the project generates no revenue, the attorney is not paid), the attorney expects to receive a much larger fee if the project generates revenues. Often percentage or contingent fee arrangements are combined with a reduced hourly fee.

Attorneys often require retainers. Retainers are advance payment of the attorneys fees. Be sure to ask the attorney about their retainer policy and find out if any unused portion of the retainer is returned.

How do I work with an Attorney?

It is imperative that you always give your attorney complete and accurate information and all relevant documentation. Clearly state your goals and aspirations to your attorney. The better the communication with your attorney, the better the representation. Make sure you understand the advice your attorney gives you so that you can implement that advice correctly.

Always come to meetings or telephone calls with your attorney as prepared as possible. Write down your questions. This will enable you and your attorney to make the best use of your time together and conserve attorney's fees.

If you are unhappy with your attorney, tell him or her as soon as possible. There may be a misunderstanding or your attorney may need a reminder. Be sure to explain your expectations to your attorney.

Building a productive business and professional relationship with your attorney will serve you well and can be a great asset throughout your career.