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HOW TO CHOOSE AN ENTERTAINMENT ATTORNEY

The entertainment industry is not an easy one to build a career in. Indeed, the industry is largely one without a specific method or path for breaking through. Similarly, it is one without any significant barriers to entry. Indeed, there are countless ways to enter the industry and start a career. While academic training can help prepare one for an industry career, there is no guarantee of entry – competition is great.

Once one begins seeing the fruits of their labor pay off, the question of whether – or when – to hire professionals to help with various aspects of a career then becomes paramount. One of these professionals may be an entertainment attorney. Knowing how to choose a good one can significantly protect you from career derailment.

Is It Time? Do I Need An Attorney?

The initial determination of the necessity and scope of an entertainment attorney is largely an individual one. While many people are comfortable with competently handling most aspects of their business affairs, other individuals feel the need to have their attorney review everything they contemplate signing. Obviously, the greater extent to which a person depends on an attorney, the greater the legal fees become. As a result, the rule of thumb is 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 attorney consultation. This being said, there are certain things that should always be handled by an attorney.

- **Significant Contracts:** Any long term contracts, or contracts that involve important rights and obligations, should always be reviewed by counsel.
- **Pending Lawsuits:** There is a saying that an individual who represents himself in court has a fool for a client. In that vein, if you're being sued, or involved in litigation, it makes sense to engage an attorney under those circumstances.
- **Contemplated Lawsuits:** It also makes sense to hire an attorney if you are thinking about suing someone else, particularly when intellectual property or contractual rights are at stake. Under those circumstances, an attorney can help you determine whether you have a significant legal claim.

The bottom line is that if a contract or other legal issue is (a) significant to your career or your project, (b) if it is complex, or (c) if there is quite a bit at stake, you should get an attorney involved.

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What Is An Entertainment Attorney?

Attorneys are like fingerprints in that all attorneys are not alike. Accordingly, once you've decided that you need an entertainment attorney, not just any attorney will necessarily do.

Every practicing attorney must have a professional 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. As a result, if you work in the film and television industry, it makes sense to seek out a knowledgeable entertainment attorney.

Entertainment attorneys perform a variety of services. Some counsel and advise on legal and business matters, negotiate entertainment deals and draft legal documents, protect your intellectual property and litigate disputes in court. Others act as agents, actively soliciting deals on your behalf, or as managers, performing business functions not typical of an attorney. A good entertainment attorney – or any good attorney for that matter – 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 Go About Choose An Attorney?

Step 1: A List Of Prospects

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. Go to your local library (or log on the Internet) to use the Martindale-Hubbell Law Directory (www.martindale.com) and other publications which rate attorneys. Lawyers.com is another great resource for finding attorneys categorized by areas of specialty.

Step 2: Research Your Prospects

Once you have generated a list of potential attorneys, research the attorneys on your list. When doing this, think of your own personal needs – 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.

Step 3: See Them In Person

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. Although many individuals seem to think so, it is not reasonable to expect free advice from an attorney, particularly in the entertainment industry. Nevertheless, quite a few attorneys are amenable to providing an initial consultation 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. Always remember that the attorney-client relationship is a personal one – evaluate whether your working style and the attorney's working style are compatible. Be certain to 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. Conversely, 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.

How Much Do Attorneys Cost?

Most attorneys are paid on an hourly basis. Experienced entertainment attorneys in Los Angeles and New York normally charge anywhere between \$250 to \$500 per hour. The industry also facilitates attorneys also sometimes charging 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 to reduce risk.