

Music Lawyers/Solicitation: Frequently Asked Questions

By: Chris Taylor

The views and opinions expressed in this article are not meant to substitute for legal advice which should be sought in each particular instance.

How do you find a reputable music lawyer?

The reality is that there are very few music lawyers in this country so they are somewhat difficult to find. Find your lawyer by talking to other artists, managers, booking agents, club owners or people in your circle who may have used a music lawyer before. Buy a music industry directory at the book store (*Contact Directory* – www.essentialcontact.com). Music lawyers will be listed in the directory somewhere.

Do your research. Meet with your prospective choices and ask questions such as: “Who are your clients?”; “How long have you been in practice?”; “What are your fees”? Most importantly, you should clarify that “music law” is their area of expertise. It is extremely difficult to be an expert in the field without ample, everyday experience.

There are a group of lawyers in this country who can “do the job”. Often the choice will be made based on personal compatibility once all the technical qualifications are verified.

How do you choose your clients?

The music law firms I am familiar with, including ours, do NOT turn away clients if they are willing and able to pay fees for legal services. Many firms have junior, intermediate and senior lawyers where the junior lawyers are available for most new business that comes in the door. Lawyers can be integral in setting up band partnership agreements; providing general career guidance; license agreements; trademarks; and many other matters. Our firm is happy assist in whatever manner necessary, however; the “rules” for “shopping” differ (see below).

What if I don't have money for fees?

There is a service called the Artist Legal Advice Service (416-367-ALAS) which provides advice to the artistic community for free. They are listed in the telephone directory. This may not be the solution for more complex matters though. Some firms have junior associates or students that can assist with basic matters, with lawyer supervision, to keep legal fees lower.

Do you need a lawyer for all contracts?

It is advisable. Lawyers are a small insurance policy for a career you are investing heavily in.

Managers, booking agents, and musicians can be intelligent enough to understand and negotiate some basic music industry terms. Notwithstanding this fact, good music lawyers are a better-equipped, more experienced option in this regard. We have the benefit of reviewing contracts all day, everyday. We are insured. We are legally bound by a Code of Professional Conduct. Every contract can be improved. Short contracts are not always better - sometimes it's what is **not** in the contract that can hurt you.

What artists do you choose to shop?

I am no longer shopping and/or soliciting material for new, unknown artists.

Experience tells me that great music gets noticed very quickly without my assistance. I can maximise and capitalise on serious industry interest to help get the best deal possible but I cannot be the primary "deal shopper" for an artist who has no substantial industry interest: it's not cost effective.

Go out and get the interest. Pay attention to your MySpace, work Facebook and grow your fanbase.....I will find you and so will record companies. MySpace is the single biggest A&R tool and is used by every major record company. Make it work for you.

Will you listen to my material?

I am no longer able to listen to material that is sent into the office.

I feel guilty about not responding to the material but my legal work (and family life) must take precedence. There are several websites that will provide professional, detailed feedback for a fee (see www.INSIDESessions.com; www.sostarstruck.com; www.starpolish.com and www.TheMusicConsultant.com) and the Songwriter's Association of Canada also offers this service (www.songwriters.ca). I also recommend you check out www.hitquarters.com for more information about shopping your band. Many groups have benefited from the exposure provided by www.garageband.com or www.myspace.com.

Occasionally lawyers from our firm will provide an evaluation/consultation service for a set fee. If you are interested in this service please ask and more information will be provided. The websites noted above provide a more cost effective service but if you are determined to have someone at our firm give the music a listen we can quote you a fee for this service.

The following Canadian A&R people will provide an address to send material. Most of them will likely respond with comments within 3 months of receipt.

Steve Blair, Warner Brothers Records	416-758-1113
Geoff Kulawick, Linus Records	416-410-4407
Fraser Hill, EMI Music Canada	905-677-5050

Mark Jowett, Nettwerk Records	604-654-2929
Greg Boggs, SONY/BMG Canada	416-586-0022
Mark Spicoluk, Universal Music Canada	416-718-4442

Publishers can also be very helpful with comments and contacts. I would suggest you contact the following.

Tanya Coughlan, EMI Music Publishing	416-340-9277
Chris Corliss, Universal Music Publishing	416-718-4112
Vivian Barclay, Warner/Chappell Publishing	416-758-1108
Gary Furness, Sony/ATV Music Publishing	416-391-3311

What can you expect from a lawyer who is “shopping” your material?

It is important to be reasonably informed about the process of shopping material to industry contacts. Music lawyers who take on this task should have strong relationships with A&R representatives responsible for signing artists to their respective companies. You should be advised about every person who receives your material and their response. Understand that lawyers don't get record deals: artists do. Ask your lawyer about artists they have successfully solicited in the past.

How do you charge?

Most lawyers charge by the hour. Fees in Canada range from \$125 to \$600 per hour. My hourly rate is currently \$525/hr. Attorneys may require a retainer (deposit) up front before initiating work on your matter. Other times, provided there are monies payable on execution of a particular contract, music lawyers may be willing to wait until a deal closes before requiring payment.

With respect to shopping material, some lawyers require a retainer to assist in introducing your music to recording and/or publishing companies, others will be more flexible and charge fees only when (or if) a deal is secured with a recording and/or publishing company. Up-front retainers may range from \$500 to \$5000. Percentage-based retainers are not widely used in Canada, however, typical percentages in the U.S. range from 5% to 15% of gross monies collected. Clearly it is important to define what the percentage is applied against (i.e. net advances, publishing income, royalties, recording budgets, future albums, etc.).

Ironically enough, if your music lawyer wants you to sign a percentage-based retainer, you may need to go see another lawyer to review your retainer agreement on your behalf.

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