

Region's entertainment law practices get digital boost

Industry once served stage, screen and music businesses but now includes video games, ring tones and the internet

By BRAD BROBERG
CONTRIBUTING WRITER

If Los Angeles and New York are the entertainment capitals of the country, why would an entertainment lawyer want to practice in Seattle?

"Because of the quality of life here and the opportunity to be part of the building process," said Matt Hooper, of Bullivant Houser Bailey PC.

Hooper is one of a cadre of local lawyers who have found they don't need a Hollywood or Big Apple address to stay busy representing individuals and companies — both in Seattle and around the country — in the rapidly evolving entertainment business.

When Lance Rosen and Brian Lewis founded Rosen Lewis LLP five years ago, they planned to have offices in both Los Angeles and Seattle, but their business grew so fast that they never got around to opening an LA office.

"Entertainment law in Seattle has

been very good for us," Rosen said. "We've had no shortage of work."

O. Yale Lewis, a partner at Hendricks & Lewis PLLC, said Seattle's distance from the capitals of the arts and entertainment industry can be an advantage. "Some of our business comes from people who want a second opinion or want representation that is not beholden to the entertainment industry establishment," he said. "That, I think, is going to increase."

Make no mistake. Los Angeles and New York still share top billing in every corner of the entertainment industry, from creative to financial to legal. A 2006 study by the U.S. Bureau of Labor Statistics showed that those two cities account for one out of every four jobs related to the creative arts nationwide. That's not changing anytime soon.

What's changing is the definition, distribution and economics of entertainment — changes that are loosening the grip of Hollywood and the Big Apple on the entertainment industry and positioning Seattle to more actively participate in the industry.

The result? Increased — if not ex-

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ponentially so — work for entertainment lawyers here. "There's more, but there's more of everything," O. Yale Lewis said.

Rosen, for one, wouldn't mind if the ranks of entertainment lawyers in Seattle grew as opportunities grow. "We welcome competition," he said. "The more of an infrastructure we have in the region, the better."

Copyright, trademark and intellectual property are the nuts and bolts of entertainment law. Licensing, contracts and publishing rights account for much of the day-to-day work. "There's really nothing sexy about entertainment law," Rosen said. "It's law. We do the same type of work that lawyers in other specialties do."

In fact, many entertainment lawyers also work with nonentertainment clients. "A lot of my clients bleed into the technology space," Brian Lewis said.

Yet entertainment law is not with-

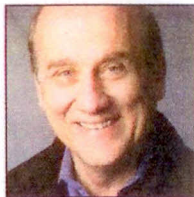
out its own wrinkles. "The misnomer with entertainment law is that you just go out and are able to practice it," said Joleen Winther Hughes, founder of Hughes Media Law Group PLLC, of Seattle. "The thing is, if you go into the industry and if people can smell you don't understand the industry, they will eat you alive."

That's why many entertainment lawyers have backgrounds in the entertainment industry. Hughes once managed a club and worked for the manager of rock band Pearl Jam. Rosen was an actor (he still dabbles). His partner, Brian Lewis, was a lawyer for Wizards of the Coast. Hooper once worked in the film and television industry.

Bullivant's upcoming "Cliffhang-



Hooper



Rosen

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ers and Cocktails” is a reflection of how a trend in the arts and entertainment industry — in this case brand integration — can redefine what falls under the umbrella of entertainment law and create emerging opportunities outside Los Angeles and New York.

“Cliffhangers and Cocktails” is a private book-signing party, featuring mystery author Robert Dugoni, where studio and agency executives from Hollywood will mingle with some of Bullivant’s corporate clients.

On one level, the event is about laying groundwork for a possible film deal for Dugoni, a Bullivant client who recently released his fourth novel, “Bodily Harm.” On another level, it’s about “introducing some of our good friends in Hollywood to some of our good clients in Washington, and hopefully good things will come out of it,” said Hooper, chair of the Film and Television Division of the Arts, Entertainment and Sports Group at Bullivant.

Brand integration is a more sophisticated form of product placement that goes beyond having a character in a film or TV show drink a particular beverage or wear a particular shoe. It involves weaving a brand into a script as it’s being written, such as the way the latest

Camaro was featured in the movie “Transformers,” said Hooper. Helping its corporate clients in Seattle take advantage of such opportunities is why Bullivant is introducing them to its Hollywood connections.

The constantly evolving relationship between technology and entertainment creates quite a bit of work for entertainment lawyers in a tech-rich city such as Seattle. According to the Entertainment Software Association, the state of Washington ranks third in the number of jobs in the video game industry in the nation. And an enterpriseSeattle/Washington Interactive Network study found the Seattle area is home to the third highest concentration of multimedia artists in the country.

“Traditionally, entertainment meant music and movies and drama and dance, and that was about it,” said Robert Cumbow, a partner at Graham & Dunn PC whose practice includes some entertainment law. “Now, that term has been refocused to include work with digital forms of entertainment.”

Cumbow said he used to tell people who wanted to get into entertainment law that there was “no way entertainment law could support a practice in Seattle entirely. Now, that’s a little less true because we have a huge video game industry in Seattle.”

Brian Lewis recalls negotiating with Lucas Films to incorporate the

themes and characters from “Star Wars” into a video game. “We help with a lot of these sorts of negotiations,” he said.

And it’s not just video games.

For example, when Microsoft wanted to negotiate a ring-tone deal with former front man George Clinton of musical group Parliament-Funkadelic, the company referred Clinton to O. Yale Lewis to clear up a title dispute over his old songs. “We get calls almost daily from musicians who would like (similar) assistance,” O. Yale Lewis said.

Of course, nothing is shaking up the entertainment industry and the legal relationships between performers and distributors more than the

internet. “It’s completely re-creating the economics that drive the business model,” Rosen said.

One such shakeup: You Tube and other platforms for sharing music online have changed the way young bands build reputations. “Bands don’t buy a van and tour the country on \$50 a day,” Hughes said. “That doesn’t happen and it doesn’t need to.”

What needs to happen, said Hughes, is for the performers to protect the rights to their songs with help from lawyers who “have a very, very deep understanding of technology and new media ... and keep abreast of things as they get invented.”

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