

# Sports and Entertainment Law

## 1. What is *sports and entertainment law*? What does it cover?

Sports and Entertainment law covers any kind of amusement like movies, television, video games, books, and sporting events. There are some unique aspects regarding the sports aspect of this specialty, but generally sports and entertainment are grouped together because they serve the same purpose: to provide entertainment for the public. Some examples of what this specialty covers include helping people put a movie together, radio and television contracts for entertainers, sports agency contracts and endorsements.

## 2. What does an attorney do who works in *sports and entertainment law*?

Attorneys in this field work with a lot of contracts and often advise their clients on the crucial parts of the agreement they are making. There are very few lawyers who work in both sports and entertainment because most of them specialize in one area; very few practice in both. Sports attorneys either represent a sports franchise or team, or they represent an athlete. Entertainment attorneys either represent production companies or agencies, or directors and actors. Lawyers in this practice need to make the choice as to whom they are going to represent to avoid conflicts of interest. Lawyers who represent individuals, meaning athletes, actors or directors, charge a percentage of the individual's salary; whereas lawyers who represent teams, franchises, production companies or agencies typically charge an hourly rate. Most of the firms that work with individuals are high powered law firms in L.A. or talent boutiques. For example, David Falk, Michael Jordan's attorney, charged based on his client's salary; whereas Kelly Crabb, a sport's attorney in L.A., represented two Olympic organizing committees and two major sports franchises with their work in China. A lot of an attorney's time is spent advising clients as to the little areas of their contracts they must pay close attention to. Most of the work the attorneys do revolves around contract work.

## 3. What is an average day like for an attorney who practices *sports and entertainment law*?

Attorneys in this field spend a large amount of time on the telephone. Their day generally consists of talking on the phone about prospective deals and contract negotiations. A tremendous amount of time is spent reviewing contracts and memos and drafting them. Some time is spent researching law, but that is usually assigned to junior associates because most experienced attorneys become experts since they deal with the same recurring problems throughout their careers. Sports and Entertainment law attorneys will occasionally travel to meet with clients who are located abroad or are traveling with their sports team or production. Even though technology has allowed for attorneys to better communicate with clients in far off places, many clients still want to see their attorneys to maintain a personable relationship that assures their needs are being met. For example, last year attorney Kelly Crabb went to Beijing six times and only once this year to work on the Beijing Olympics broadcasting issues. On the other hand, in 1989 Mr. Crabb represented Paul McCartney on his world tour and I did his paperwork but did not go on tour with him. Often times the lawyer gets left in the office and the entertainer goes off and does the fun part.

## 4. What is the average salary for an attorney who practices *sports and entertainment law*?

The highest paid lawyers in this area of law are the talent lawyers on both the sports and entertainment side. The reason why is easy: an attorney representing an artist will take off a percentage of the salary that actor makes during his or her career. Most attorneys in this business will have around 5 clients, and their earnings are usually 5% of their client's salary; thus their annual income is at least in the six figures range. The highest paid positions are the talent boutiques with 15 partners because there are not many associates and the billing is all on a percentage basis. The salary range will be similar for a sports attorney representing an athlete. Everyone else in the industry charges by the hour. In this setting, attorneys take a draw of the overall proceeds of the firm's income and what they make goes into a general pool. Each attorney will receive a draw based on his or her performance. There are firms that do billable hour work that are not big multinational firms and they concentrate on litigation or transactional work. But the litigators usually make more than the transactional attorneys in this field.

## 5. Is there currently a demand for *sports and entertainment law attorneys*?

From the client's perspective there are a lot of people in this business but not that many attorneys because it is very competitive to get to the top. Some of the contracts terms and customs are unique, thus there is a high demand for people with legal skills who are good lawyers in addition to having an expertise to this kind of law. For example, when creating a contract for an NBA player, there are certain rules about salary caps that an attorney must know about and have an expertise in because no one else can do it. Therefore, a lot of people are in this business but there is a demand for experts in this business and that is a narrow bandwidth of players. From the perspective of people who want to be lawyers, there are always more lawyers who want to be in this practice than there are for people actually needed in the practice.

## 6. Is there more of a demand for *sports and entertainment law attorneys in one area of the country over another*?

Yes, there are three major cities in the U.S. where entertainment is located. Those three are New York City (Broadway & TV broadcasting companies), L.A.(Hollywood) and Nashville, Tennessee (country music business). Also, there are lawyers for every city that has a sport's franchise; but generally speaking most of the work is in those three cities.

## 7. How difficult is it for students right out of law school to get a job in *sports and entertainment law*?

Not impossible, but almost. There are internship programs within some studios and production companies that students can apply for but very few positions are paid. There are jobs, but they are few and far between and they are very competitive. Studios rarely hire first time attorneys. It's a real catch 22 because most people don't want to hire brand new lawyers, which is why there is a system of people who work for free in hopes of eventually getting a job. A lot of the work at first is volunteer. For example, one attorney worked for Warner Bros for 6 months for free before he got the job.

## 8. In what type of a work situation can an attorney practice *sports and entertainment law*? Big firm? Small firm?

### Government work?

Attorneys can practice this type of law in big or small firms, but it is almost immaterial to practice sports and entertainment law for the government. Lawyers in bigger firms do more traditional corporate work, including financing, litigation, and copyright analysis;

whereas the small firms do the specialized contracts, and the day-to-day production work on a movie. There are some solo practitioners who do this kind of work too and they usually have one or two clients that keep them busy.

**9. What are the most rewarding things about practicing *sports and entertainment law*?**

The most rewarding thing about this practice is that you are popular in a conversation because it is more fun to talk about your job compared to talking about doing massive tort litigation. Traveling is also fun. Kelly Crabb shares: "I do a lot of international entertainment work. I go to Japan a lot [and] I'm doing the Beijing Olympics and it is very fun and exciting. The Olympic Games are a big deal [so] its fun to be apart of it and meet friend in foreign countries. I can never complain about the blessings from this kind of work".

**10. What are the most difficult things about practicing *sports and entertainment law*?**

Sometimes the work can be mundane and take too much time. Being any kind of lawyer has its frustrations. This field tends to attract a lot of frustrating experiences since there are a lot of intermediaries and a lot of deals that do not go through. There are tedious moments and long hours, but this is not any different from other practices.

**11. For students who are interested in practicing *sports and entertainment law*, are there certain undergraduate classes they should take? Majors that are better? Minors that are better?**

Basically, undergraduate students should major in something that really interests them so they can do well in their major and be an expert in it. Much of the skills and knowledge people as attorneys need are personality driven and cannot be learned in college; they need to be able to connect with someone in the entertainment business. Students should go towards their strength and work on it. They should study what they think they can do better than anybody else. Law is very broad and will accommodate any interest. So if a student really enjoys writing and literature, then they should study it! They will still be a great lawyer, and after they graduate from law school they will still be able to go back to their core interests. That is the key. Attorney Kelly Crabb shares an example from his own life experiences: "I majored in Asian studies [after] I got home from [my mission to] Japan and I liked studying history and I liked the language...When I went to law school, I went to a firm that did a lot of business in Japan. All the stuff I learned in my undergrad really helped me out because a lot of my clients were Japanese. It made me more effective and efficient in Japan [because I was] doing good service for my client. So it is really important that you study something that you like and are good at. If I would have studied something hard just for the sake that it was hard, then I would not have been happy".

**12. For students who are interested in practicing *sports and entertainment law*, would it be better to go to a school that holds itself out as having a specialty in *sports and entertainment law* or just the best ranked law school the student can get into?**

Go to the best school you can get into. This is the practice of law and you want to be the best lawyer you can possibly become and people in the business know that. Students are going to be much better off just submitting a resume from Yale rather than showing on their resumes that they wrote for some sports and entertainment law journal for Podunk University. It's all business and when you are a lawyer, you are looking after the business for somebody else. The law all boils down to money, and that's how employers keep score. They want the best lawyer they can have, not someone who is star-struck, couldn't do well in school or at least get into a good school. That is not to say that a person who goes to a school of less reputation is going to be a bad lawyer. A lot of people who didn't go to Harvard or an Ivy League have worked hard to do well for themselves. Essentially, students should try to get into the best school because that's where they will receive the best education. There are some good professors at these other schools too, so if a student is confronted with choices of schools out of the top 25, it would be better to go to the best school on the list and do the best that they can and take all the courses they want to take to get the job that they want.

**13. For students who are interested in practicing *sports and entertainment law*, are there certain law school classes they should take?**

They should take contracts, sports law classes, copyrights and trademark. As an elective, students should take any intellectual property classes that they can; not necessarily patents, but copyrights is the key and trademarks is also very important.

**14. For students who are interested in practicing *sports and entertainment law* is there anything else they should do to prepare themselves for that field of law?**

Students interested in this specialty should start networking by making friends with people in the business. A lot of what makes an entertainment lawyer an entertainment lawyer is how much he knows about the business. People who are really focused on this business should really understand who these people are and read about the business and find out who the players are and what is happening. So, generally speaking, knowledge of the business will be important to give students credibility. Other than just working hard, students should do some of their own regular study. There is no such thing as blowing a class off because it is not related to sports and entertainment law. For example, one attorney needed real estate law knowledge because he used it with a deal he was working on for Lucas films. Students have to do well in school and need to become a good lawyer, and then establish themselves in their specialty.

**15. Other Comments**

Students interested in learning more about this specialty may find it useful to read *The Movie Business*, published by Simon and Shuster in 2005.

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