

A Day in the Life of a Sports & Entertainment Lawyer

By Steven C. Malin

This article is an installment in an occasional series exploring the lives of attorneys in various practices.

Entertainment law plays an increasingly important role in our society as the number of media outlets multiply. The practice – encompassing aspects of litigation, transactional law and intellectual property law – brings together lawyers with diverse backgrounds and experiences. It quietly exists behind much of what we see and hear and, like most practice areas, has several interesting and unique aspects.

Tamera H. Bennett is a member of the DBA and an entertainment attorney. She hailed from Mt. Juliet, Tenn., and expressed interest in music at an early age (she wanted to be a rock star as a kindergartner). Ms. Bennett carried this interest into high school, where she was an all-state saxophonist, and into college at Middle Tennessee State University where she obtained a degree in recording industry studies.

Building on her musical talent and education, she began her career in the music business working for a Christian music publishing company in Nashville in 1990. Ms. Bennett moved on to other

jobs in the entertainment business, working with notable recording artists like Ronnie Milsap, and notable organizations, such as the Record Industry Association of America (known most recently for its efforts to quash illegal music file sharing through individual lawsuits). Ms. Bennett ultimately decided that law was her real interest and attended the Nashville School of Law and then Texas Wesleyan University, graduating magna cum laude in 1998.

Currently, 95 percent of Ms. Bennett's practice is in entertainment and intellectual property law. The bulk of her practice relates to maintaining clients' trademark and copyright portfolios. From the copyright side, this includes representing songwriters, authors and film makers. For example, she represents a nationally recognized local photographer who specializes in storm footage. She assists in licensing his catalog of materials to television networks and others and represents him in situations of potential copyright infringement, such as when a television station uses one of his clips without permission.

Typical of entertainment attorneys, Ms. Bennett also represents media companies and publishers. On their behalf she negotiates licenses and contracts and defends charges of infringement. Representing both content-providers and content-users gives Ms. Bennett an advantage in her practice because she has insight into the negotiating dynamics on the other side of the table.

Ms. Bennett does not believe there is a "typical" entertainment practice. Although the bulk of her clients are involved in the music industry, she also assists clients in film, television, visual and literary matters. Many entertainment attorneys have their own niche practice. There are entertainment lawyers whose primary focus is literary, and they represent either agents, authors, or publishers. There are others who solely work in the film industry, whether film financing or putting together film deals for production companies.

While there has been a significant change recently in society due to the Internet and digital media, Ms. Bennett believes the copyright law as it currently stands is sufficient to handle these new areas. With each new technology, the current interpretation of the copyright law will be tested and modified as needed.

She frequently creates new forms of licenses to cover distribution of content over the web. Technology also impacts her practice because of the increase in the public's accessibility to her clients' works. While the Internet has made infringement easier, she believes it has also increased public knowledge of intellectual property rights, citing the Supreme Court's recent *Grokster* decision.

Ms. Bennett is a past chair of the DBA Sports and Entertainment Law Section, which sponsors monthly CLE programs for those with an interest in the area. Additionally, Ms. Bennett chairs the State Bar of Texas Entertainment and Sports Law Section. Established in 1989, the section provides continuing legal education in the areas of sports and entertainment law, and publishes a legal journal.

The SBOT section co-hosts the annual Entertainment Law Institute on Legal Aspects of the Film and Music Industries, which attracts speakers and attendees from across the United States and offers cutting-edge insight into recent developments in the film and music industries. The 15th annual Institute will be held in Austin this year.

Additionally, Ms. Bennett is an adjunct professor in the music business program at Dallas Baptist University and she frequently speaks to groups throughout Texas on entertainment law and intellectual property law issues. She attributes much of her success to her background working as a non-lawyer in the music business. She believes she can relate to and understand what her clients are experiencing because she has done "all of the jobs all the way up."

The entertainment industry is a relationship-driven business and Ms. Bennett was exposed to many of those relationships in her pre-attorney career in the music business. She now uses her experiences to communicate legal concepts effectively to her clients, whether artist, author or publisher. **HN**

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