

On the creativity involved in being a music lawyer



Music lawyer Kelly Vallon discusses her career path, how to stay on top of things in the always-changing music industry, and why being a good lawyer is often a very creative pursuit.

August 31, 2018 -

As told to Brandon Stosuy, 3144 words.

Tags: [Law](#), [Beginnings](#), [Process](#), [Success](#).

When you started as a lawyer, did you know that you wanted to focus on music law?

Music's been what I've wanted to do forever. My dad's a concert promoter, so I grew up around the biz. When I was in high school I worked with the box office for any show I could, and then after that, I got jobs every place that I could think of: record labels, management companies, promoters, agents, everything... I just sort of tested everything out. I was doing PR after college, but it wasn't the right thing for me, and that's when I decided to go to law school with the specific goal of becoming a music attorney.

What was it about law that was interesting to you?

I love the intellectual complexity. That is why I do this. I love coming up with concepts and hitting walls and breaking through those and trying to put things together in a way that works for everyone. Trying to find the deals that people want to make, and that are favorable to my client.

In the changing environment of the industry there're a lot more creative things that can happen now. I feel like the deals that you can make now have to be a little more creative and less cookie-cutter. That's a cool part of being within this complex area of law. The legal part of it, conceptually, is already layered because there are copyrights in the songs, and then copyrights in the recordings of those songs. Just on a base level that's two moving pieces that you don't really deal with in other creative fields.

Being a lawyer seems like one of the most stressful possible positions to take in the music industry—getting the contracts right, making sure artists are represented properly. Is there a high burnout rate in being an entertainment lawyer?

Absolutely. That's a very big concern of mine. It's something I have to think about often. I've definitely pushed myself to points where I felt like I was burning out, so now I'm trying to find more of a balance by taking breaks when I need to, and trying to get better at delegating things.

It's difficult because you balance it with working with people who you love and want to support, and who you want to do everything for, and it has to be perfect. It's about the balance of all of those things. I don't know if it's ever a balance that's achievable, as opposed to a pendulum that swings in one direction where you have to be a hundred percent or a hundred and ten percent, and then there are times when you need to go back. I guess that's my version of balance.

What are some things you do on a day-to-day basis to avoid burning out?

I try and workout every day. That's super helpful. I try and meditate. That's less consistent. Sometimes in the middle of the day I'll just need it and it'll help me refocus. I also take time to hang out with people and cook, or do some sort of mundane organizational task to get my mind off of work, because work could be something that takes over all of my time, including weekends and nights. But I know that doing those other things will make me more effective and better as a lawyer. Also, sleeping. Eight hours is the perfect time for me.

Another thing: all of my colleagues take vacation. Everyone goes. There's never a good time, ever, but you just have to do it. I like that that's emphasized where I work, and that's why I feel like this is a good group of people to be around because they really think about everyone's mental and spiritual health. People understand that you need to pull it back and take some time off to be the best version of yourself.

I know your firm works with Beyoncé, and you're one of her lawyers. I imagine each person has their expertise. What's your specific focus?

The work can be really diverse. I'm not like, "Oh, I only do publishing deals or I only do branding deals." I do everything transactional. The stuff that I'm working on is so all over the place, but I love that. It doesn't get boring. I get to work on a branding deal, and then an imprint deal with a label, and producer deals, and publishing administration deals and stuff like that. All of that's going on at the same time.

What's a normal day like?

I work on a million clients at once, and a lot of different deals at once, and there are certain things that take over in importance. It's always a juggling act. My to-do list is always changing based on what's bubbling to the surface as the most important. You have to be flexible because things come up that need to be done next or immediately, and there are those things that don't have that kind of turnaround timeline. You have to be able to figure out how to execute all that stuff in order.

Have you found you have to adjust your job as the music industry's shifted? There's a lot to keep up with—streaming, online branding, etc.

It's exciting. I do a few record deals a year, but brand sponsorship stuff comes up a lot more often. I think it's really cool that a lot of this is changing because people are listening to so much music now, and labels have money to spend on artists, and on marketing and everything like that. It keeps you on your toes and you have different parties to deal with and different considerations that come up. At the end of the day, it's the same core principles that we're working with, it's just with different people across the table from us.

We met because of a music event. I imagine it's advantageous, as a lawyer, to be engaged in this world, and to see how things shift. A 75-year-old music lawyer who doesn't ever go out to shows is likely in a different spot.

It's imperative to be engaged. I'm always reading the music press and listening to as many albums that come out as possible, and I try and go to shows as much as I can to really stay in it. It helps to be able to know what's out there in the landscape and understand what's going on, and to understand what's going on technologically too, and knowing what companies are coming out with in the streaming services or new business models or things like that. Also, just staying on top of the music is good and that's also a really fun part of the job. When you go to shows and listen to music it reminds you of why you do it. I think that's important, because you can get caught up in the paperwork and the law side of everything. I make an effort to connect it back to what we're actually doing.

One of my mentors was like, "You've gotta listen to the albums of the bands you're doing the deal for while you're doing the deal." He said that in jest, maybe, but sometimes I do that and it's fun and it connects you back to why you do it. Those are the good moments. Like when you're at a show, if it's one of your clients and they're really killing it. There's nothing like it.

Is it hard to be professional if you're working with a client who's difficult?

When you're working with someone who's difficult it's very clear in my position. I advocate for my artists, and so that's what I come back to and all I can do is my best. When I keep that in mind, it makes it easier and less personal.

I imagine some artists want to do handshake deals, or things on the side. If someone has a contract, and they come to you like, "I want to break a radius clause and play under a different name," or something, is it something you have to be super cautious about?

This kind of thing comes up often. It's the client's decision at the end of the day. My artists are their own people and I work for them, so they can decide whatever they wanna do, but I definitely need to explain to them the potential liability involved in doing something. Whether that be copyright infringement or something going terribly wrong and they're being hit with personal injury claims. You never know what will happen.

Basically when someone comes to me with something like that I'm like, "Okay, so this is what you're exposing yourself to, and if you decide to do it, it's my job to make sure that you're going into this with your eyes open." It's my job to be overly cautious and tell them all the horrible things that could potentially happen, but it's their decision at the end of the day and sometimes people decide to proceed on a handshake basis over a more formal contract.

From your experience, what are some mistakes young artists make?

A lot of young artists are really eager to start business relationships or dive into things and get excited about stuff; they're also nervous that it will be the only opportunity that they have. In those situations I find people are hesitant to stand up for themselves and to negotiate.

A lot of times, people will just sign something that's put in front of them. They should really know that a lot of these things are intended to be negotiated and what they're looking at is a first draft that's only favorable to the other side. It's expected that someone will come in and advocate for them and make the changes that they need to change. I think if more people had that confidence then they would avoid entering into deals that they will later regret.

Another thing I always tell all of my clients is that it really comes down to the relationship with who you're working with. I can make

the contract as good as possible and do whatever I can to negotiate it, but at the end of the day, you're working with your A&R at the label, your A&R at the publishing company, your manager, or your agent and it's really a business about relationships. So if the people at whatever company someone is signing to understands the artist's vision and gets them as a person and there's some sort of magic vibe thing going on, then that's who you should do business with.

How can you tell if someone's a good lawyer?

I think you can tell if someone is a good lawyer if they are thorough and meticulous. I guess the way you would find that out is just by talking to them and feeling out their vibe. Working together on something is a good way to find that out, too. And seeing whether they're responsive, and how they communicate and whether that's something that you as an artist understand.

I always try and break things down for all of my clients and let them make decisions with their eyes open, knowing what they're getting into. That's important to me, and I think that the ability to get a deal done is also an important quality in music attorneys because a lot of times things can be over-lawyered and take a really long time. There can be someone that's just holding on points that are not that important and that are immaterial and it's holding up the creative process at the end of the day.

The interesting thing about lawyers, though, is that you can fire us at any time. We're not allowed to lock any of our clients into a deal for a specific period of time where they have to work with us. That's a great incentive for attorneys to do a good job and stay on their toes, because if it doesn't work out, your clients can leave and go somewhere else. I really like that aspect of lawyer-client relationships. You're motivated. You should always strive for that level of quality in your work because that's important.

We featured a poet recently whose father was a plumber and he said, "When you're a plumber you don't wait for inspiration. You have your tools and you just go to work." As a lawyer, do you feel like it's that kind of vibe, where you just go to work and can't wait around for inspiration to get a contract done?

Yeah, I think so, but for me I enjoy it so it's not like, "Oh, I have to do this, or I have to put myself through this." It's like, "Oh cool, I get to work on this thing that's coming out, or work on fixing some sort of problem or working through something conceptually." I think that's interesting, too.

I do think that because I'm involved, and know what's going on in the world and the business, and also because I have had so many experiences working in different parts of the industry, that helps me. I bring all of that into what I do and maybe can work within the framework of certain things in a more creative way. You've got to know the framework really well and understand what typically happens to be able to alter that and make tweaks and see opportunities that other people wouldn't necessarily see.

Your description of being a lawyer sounds like being a curator—knowing the space and knowing how to operate within that space. How to move things around and make things work and tie everything together. Do you see being a lawyer as a collaboration with your client or is it more that you're driving it and giving them advice?

I feel like we're working together. But this is different from client to client. There are certain clients who are kind of like, "Go do your thing, if you're cool with it I'm cool with it." But again, one of my big things is having my clients know what they're entering into, so I usually, at least with the big-picture material-terms stuff, will engage with them a lot.

There are certain clients who are more into the nitty-gritty legal side of things. If they wanna engage on that level then I'm totally happy to do that. Everyone has a different style.

Within the music industry, are there any historical moments people return to like, "Wow, that was a terrible deal," and look to avoid?

Absolutely. I worked at several record labels when I was in law school, and spent time looking through all of those historical deals that they have. It was insane. Some superstars are getting barely any royalties, or are bought entirely out of certain things. There's some very crazy stuff that's happened in the business, and it still happens.

There are so many new promising artists that get taken advantage of and will sign an unfair deal with whoever comes along first. And so I think that if there's someone—whether it be a manager or someone like me—who can jump into an artist's life at that point and be like, "Slow down, don't do this," then that's a really good thing to do. It's a great service when people who are more knowledgeable in the industry can provide help to those newer artists who are so excited to jump into the first thing that comes along, but who may be giving up tons of rights for not enough compensation.

If you're working for a label you have the label's self interest in mind, but if you're in private practice you're working in the client's best interest. How are those different for you? What did you prefer?

I love being in private practice, because I love working for artists and with artists. That's the side I prefer to be on for a number of reasons. One of them is that I love the variation. You can work at a record company doing the same stuff over and over again, but when you work with an artist you have to deal with their entire career. And you get to do deals in all different realms. If they decide they want to go into some area, then you have to become an expert in that—and that's really exciting to me.

Another thing is I like the personal relationships that I get to form with my clients. I feel like they're actual friendships, and I try and be involved in not just the legal side of stuff, but also with what's going on. I like to listen to all of the music that they're working on, and I like to know what the marketing plan is and what the rollout plan is for their project. And what cities they're playing in on tour and how they figured out their routing. All of those aspects, I think, are really interesting and it helps me do my job better when I know more about the artist.

You've mentioned creativity a couple of times. Do you think you have room to be creative in what you're doing?

When you have certain sets of knowledge, certain opportunities reveal themselves in deals. This is very conceptual, but you could be like, "Oh, well I know about this from this, and I know about this from this, and so in this situation there's this option that's not currently being contemplated, so maybe if we restructured it, it could work for everyone." Sometimes that works and sometimes it doesn't, and sometimes I think you can think through those things and still be like, "You know what, the traditional way of doing it is the right way." There are certain times when those creative options are the best, and then there are certain times when a more traditional option is the best, too. Coming up with those options and then selecting them—there's some inherent creativity in that.

Kelly Vallon recommends:

5 Tools For Productivity

1. Evernote
2. Music - I listened to 102,000 minutes on Spotify last year. Currently: Amen Dunes, Container, Oneohtrix Point Never, Joy Division. Also, radio: The Lot and NTS.
3. Sleeping for eight hours a night.
4. Moving my body often (hiking, running, bar, yoga, spinning, HIIT, weights).
5. Taking breaks - to hang out with people, to meditate, to cook, to see shows, to write, to draw, to organize, to get out of town.

Name

Kelly Vallon

Vocation

Music lawyer

