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## ARTICLE

# AN ENTERTAINMENT LAWYER FROM COAST TO COAST

TONY BERMAN\*<sup>1</sup>

Tony Berman, a Golden Gate University adjunct professor, came from a legal family. His father was a state senator and judge in New York, and his uncle was an attorney at NASA. While Tony had an early connection to the legal field, he found he also had a passion for music. One might wonder how law and music could possibly be joined together. Tony would find this connection and build a successful law practice around it. He charted his own path in the law and connected his interest in the law and his love of music.

Tony grew up in New York and attended New York Law School. He was an evening student and worked full time to pay for law school. Tony remembers the long nights and rigors of going to school in the evening. At the same time, he was working as a paralegal at Epstein Becker & Green with a corporate law and tax partner. Tony learned a great deal about corporate entities and the complexities of setting up complex international structures. While he received great experience from his work at Epstein Becker & Green, he had other desires and ambitions.

Tony's passion for music has been consistent throughout his life. In his high school and college years, he would often play music with friends and take part in studio sessions as a producer and musician. Tony plays the bass and guitar and loves the creativity behind music. In high school, Tony interned for ABC's Good Morning America as well as Arista Records. Through Arista Records, he was involved in projects for artists including the Kinks, Grateful Dead, Patti Smith, and many other popular artists. Even though his internships were short, Tony loved his exper-

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\* J.D., New York Law School, 1991; B.A. English, New York University, 1986.

<sup>1</sup> Telephone Interview by George Emmons, Executive Articles Editor, *Golden Gate University Law Review*, in San Francisco, Cal. (Nov. 29, 2017).

iences and each internship reaffirmed his passion for music and the entertainment industry.

Prior to entry into law school, Tony decided that he wanted to be an entertainment lawyer. He felt that this area of law was a great way to help musicians and entertainers, while at the same time staying close to his passion for music. He soon discovered that being an entertainment lawyer was a challenging path. In the entertainment industry, lawyers either worked for a big firm that handled entertainment law, or they hung a shingle and developed a solo practice. New York and Los Angeles were the major hubs for entertainment law. By 1991, San Francisco had not quite taken off as an entertainment law hub but Tony nevertheless decided to make his way to San Francisco and take a chance on his dream of being an entertainment lawyer. Tony's journey to becoming an entertainment lawyer was anything but easy. At first, Tony took on whatever opportunities were presented to him. He remembers one of his first legal jobs was at a workers' compensation law firm in the East Bay. Tony found that any opportunity to practice the law was a great experience.

While practicing workers' compensation law, Tony also volunteered as an intake attorney for the California Lawyers for the Arts. California Lawyers for the Arts helps attorneys and entertainment clients connect with each other. As an intake volunteer, Tony listened to the needs of potential clients and called local attorneys to see if anyone would be able to help the client. As an ancillary effect, Tony was able to utilize this opportunity to network with Bay Area entertainment attorneys. Tony took the initiative to meet with the attorneys that he spoke with to learn more about the entertainment law field and to find ways that he could break into this field. He went on countless informational interviews, met over coffee to learn about the entertainment law industry in San Francisco, and developed a great deal of contacts.

Tony discovered that there were not a large number of firms that practiced, let alone specialized in, entertainment law in the Bay Area. Many practicing entertainment lawyers told Tony that he would most likely have to build his practice on his own. While extremely challenging, Tony put in the time and effort to build his practice from the ground up. He set up his solo practice and took on whatever opportunities that he could. He remembers long nights at music clubs, listening to musicians, and working with them to help them establish their music careers. He met with band members and band managers to establish relationships and build his network in the entertainment industry. Tony developed an online newsletter to discuss developments in the entertainment law industry and attended conferences related to the industry.

One of Tony's first entertainment law clients was a member of the band The Charlatans, a referral from the California Lawyers for the Arts. The Charlatans were a seminal band from San Francisco in the 1960s. It came to light that many of their recordings had been bootlegged. Tony felt that this case was perfect for him because his motivation for attending law school was to help artists with their legal problems.

Tony went through painstaking efforts to recover ownership of the master tapes for The Charlatans so that they could control and license their music. Tony was successful. He got the recordings back and was able to help The Charlatans license their music through a British record label. This would not be the last time that Tony would use his legal expertise to help musicians and artists.

Tony's entertainment law practice has changed drastically over the past 25 years. As music became more and more available online, music streaming services became extremely important to the entertainment industry. Also, video streaming, a concept that was unheard of in the 1990s, has become a growing industry and opportunity for the entertainment industry.

Over the past few decades, Tony has seen his business diversify. Half of his clients come from traditional entertainment backgrounds, such as rock bands and performers. The other half comes from music and entertainment technology companies who provide access to content for their subscribers. These companies seek Tony's advice on compliance with complex international online content and distribution regulations and business practices and rely on him to provide guidance on how to comply with these ever changing laws. Tony also does a great deal of trademark and copyright filing, as well as drafting, reviewing, and analyzing a wide variety of contracts for musicians, entertainers, and other performers.

In addition to being a successful entertainment lawyer in San Francisco, Tony has given back a lot of time and mentorship to Golden Gate University School of Law. He is an adjunct professor at Golden Gate University Law School and teaches a course titled, "Negotiating and Drafting Contracts in the Entertainment Industry." For many years, he has offered internships for law students who are interested in learning about the entertainment law field and provides hands on experience for law students to see what it is like working for an entertainment law firm. Students who have worked with Tony in this regard truly enjoy their time working with him and have found Tony's willingness to mentor and teach them to be invaluable. Tony takes chances on students and students are forever grateful for the opportunities that he provides.

In closing, Tony wishes to offer a few words of wisdom to law students and new attorneys. First, there is a value in taking advantage of internship opportunities and volunteering your time to learn about an area of law that interests you. Furthermore, networking is extremely important and getting your name out there, attending conferences, and meeting attorneys and industry professionals in your field is essential to building your solo practice. Tony stresses that it is never too early to plant the seed and networking should begin early in your law school career.

Above all, Tony emphasizes that believing in your ability to build your own practice is an essential component to being successful. Fear of failure will come with a risky endeavor, such as starting your own practice. But Tony found that if you identify your passion, work hard to build your reputation, and work tirelessly for your clients, you can build your own successful practice. However, this process does not happen overnight; it takes diligence, creativity, and a little luck to get there. As Tony's path evidences, following your passion and seizing the opportunities that are presented make success closer than you may think.