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Howard Hertz; founding partner of Hertz Schram & Saretsky P.C. Bloomfield Hills

Photo credit: Melissa Herndon

Another Motown hit

Entertainment lawyers find steady work

By Robert Ankeny

6:00 am, May 7, 2007

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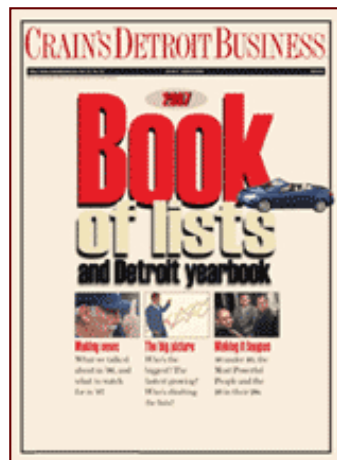
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Detroit's reputation as one of the nation's music Meccas is increasing the business of old-line entertainment lawyers, and relative newcomers as well.

Rapid technology change, a resurgence in popularity of Detroit-based acts such as the White Stripes and Eminem, along with a following in hip hop and techno music are important drivers, the lawyers say.

And despite heavy competition from lawyers in New York City, Los Angeles and Music Row in Nashville, Detroit is a steady contender with the surfacing of new clients and business for Detroit area attorneys.

Crain's reporter Robert Ankeny talked to four of them that have seen business grow: **Howard Hertz**, of Bloomfield Hill-based **Hertz Schram & Saretsky P.C.**; **Mike Novak**, a Troy-based attorney; **Henry Baskin**, principal of **The Baskin Law Firm P.C.** in Birmingham; and **Mindy Schwartz**, a Berkeley-based entertainment lawyer.

Hard numbers on how much entertainment law is growing locally are difficult to come by. But Schwartz said that she receives "at least a half-dozen inquiries per week," and has signed eight clients over the past year compared to five the year before. Hertz said that his entertainment-related business has doubled during the past 10 years. And Novak said that the number of entertainment lawyers in Michigan has grown to about 40 from about 10 a decade ago.

Some say business is good in spite of rapid technology change, others say because of it.

"Anyone with a set of ProTools, the digital software that recording artists use, can have a home studio," Novak said "They can turn out digital music whose technical quality is indistinguishable from a full recording studio's."

Baskin, considered by many in the industry to be the dean of Detroit entertainment lawyers, is among those who caution that the ability to produce and deliver music digitally is changing the ground rules.

Either way, the result is more work for area attorneys.

"There's more litigation and more activity from startup production companies/labels who have seen the success of Eminem and Kid Rock (both Hertz clients) and are willing to take a shot," Hertz said.

"There aren't a lot of attorneys handling the larger cases and start up companies, but it

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has clearly grown.”

“Gone are the days of complicated exclusive recording deals with a couple of companies,” Novak said.

Howard Hertz, 57

Founding partner of Hertz Schram & Saretsky P.C. Bloomfield Hills

A lawyer for 30 years, Hertz began his career as a public defender, where he met a prosecutor named Brad Schram, who later became his partner.

“It took 20 years before entertainment law became full time,” Hertz said.

Schram knew Elmore (Dutch) Leonard, and when their law firm was just getting started, they handled a couple of legal problems for the famed crime novelist and screenwriter, “and he’s been using us ever since, for the nonfilm and book deals.”

Hertz’s client Joel Martin, a music publisher who ran a Ferndale recording studio, worked with Detroit music producers Mark and Jeff Bass in the ‘80s and ‘90s.

Hertz became their lawyer in the early 1990s and in 1995, began to represent a Bass protégé, Marshall Mathers III, more often called Eminem.

In recent years, Hertz said, more legal work that formerly went to New York or Los Angeles firms seems to come to Detroit, as word about attorneys such as himself and Mike Novak have spread. In one instance, reviewing and improving a book contract for a client whose New York City literary agent had insisted on a New York lawyer, led to both agent and publisher recommending him for national deals, he said.

Hertz is former chairman of the arts, communications, entertainment and sports section of the **State Bar of Michigan**. He is president of the **Motor City Music Foundation**, which presents the Detroit Music Awards, and is on the Midwest Region board of governors for the Grammy Awards.

A member of the **Michigan Film Advisory Commission**, Hertz was recently appointed to the board of visitors for **Wayne State University’s** Fine, Performing and Communications Arts College.

About 20 years ago, when a writer/client’s agent wanted a New York City lawyer to deal with a publisher, Hertz read the contract anyway.

“I told him there were about 20 area items in the contract, and if the book’s successful, will make big differences to you. I recommended he tell the publisher we wanted to talk about a few matters and we got 15 of the 20 changed.”

The agent told people about the deal and word got around about Hertz’s performance. “So more and more, people were coming to me, even for national deals,” Hertz said.

“I was always into music ... and I represented Ted Strunck, (a local teacher, singer and






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songwriter), and thought that since it was my passion, it was a fine way to practice law.”

— Robert Ankeny

Henry Baskin, 69

The Baskin Law Firm P.C., Birmingham

Henry Baskin, a 2007 recipient of the Silver Circle Award from the **Michigan Chapter of the Television Academy of Arts and Sciences** for more than 25 years of industry service, has represented television personalities ranging from anchormen such as Bill Bonds to weathermen as varied as Sonny Eliot and Jerry Hodak.

Over the years, Baskin also worked promoters and venues that featured acts ranging from the Rolling Stones to the Jackson Five, and has watched the ebb and flow of entertainment law in Detroit.

“Today, the problem is to try to understand what the convergence of the Internet, TV and radio is going to be,” Baskin said. “And it’s a problem for the performers and the lawyers both. We’re trying to stay ahead of the market and predict what’s going to happen to advertising dollars.”

An example of looking forward without knowing just what might happen, Baskin said, involved something proposed for Marvin Gaye’s last contract with **Motown**. (Gaye died in 1984.)

“They wanted all rights for ‘derivative products,’ and I asked, ‘What’s that?’ They said they didn’t know, and I thought, ‘Hey, someday, you might drop a quarter in the jukebox and see the performer,’ and I got it cut out.”

Just because today’s performers may be able to produce digital music on computer equipment in their living room, and distribute it over the Internet, doesn’t mean they won’t need lawyers, Baskin said.

“They’ll always need artist representation, song and music publishing, protection against Internet rip-offs,” he said. “Jingle and advertising commercial songwriters want to protect their products too.”

On television, Baskin said, cable already has changed markets and there’s more to come.

“With the lack of concentration on network channels, remuneration is less than it used to be. With **TiVo**, pay-per-view and **Comcast on Demand**, where viewers can skip commercials, there’s gonna be a lot of blowback.

“And every station on TV referring you to their Web site, it’s counterintuitive. Who knows what’s next?”



— Robert Ankeny

Mike Novak, 52

Giarmarco, Mullins & Horton P.C., Troy

Mike Novak represents a wide range of talent including music icons Bob Seger, Ted Nugent and Kid Rock; **WRIF 101.1 FM** hosts Drew and Mike; and **WJR 760 AM** broadcaster Frank Beckmann.

Novak was a film student at New York University, earning a bachelor's in fine arts before he got his law degree from **Wayne State University** in 1980.

He has his own professional corporation, but also is a member of the law firm of **Giarmarco, Mullins & Horton P.C.**

The combination works this way, he said: "My own practice is for high-profile clients, broadcast talent. But for diverse services such as tax or estate planning and other business litigation, I can use my relationship with the Giarmarco firm and rely on their expertise."

Novak's practice has evolved from civil litigation and contracts to representing producers, promoters, venues, writers, actors and broadcast talent in Detroit and across the country.

One client, a network of independent promoters who formed **Paxahau Promotions Group L.L.C.**, created the **Detroit Electronic Music Festival**, which has been an international draw.

"Detroit is a top-10 radio market," Novak said, "It is the major leagues for broadcasting. Talent does as well financially here as anywhere in the country," he said, because of the potential of 4 million-plus listeners.

"Prospects for growth within the entertainment law sector in Michigan are good," Novak said, "because new talent is constantly emerging from our region. Personally, I am seeing new business developing through the representation of broadcasters in many additional markets beyond Detroit."

But Novak also cautions that he advises new lawyers to "fish where the fish are," suggesting they head to New York or Los Angeles for the best entry-level opportunities.

— Robert Ankeny

Mindy Schwartz, 51

Law Offices of Mindy M. Schwartz, Berkley

Mindy Schwartz, a Berkley-based entertainment attorney, returned to Metro Detroit and law school after 16 years as a show producer.

After earning a bachelor's in music from the University of Colorado, the Huntington Woods native made her way to Los Angeles and later New York City, producing shows and managed tours for performers, some of whom have become her clients again.

"I'm still growing my practice after two-and-one-half years," said Schwartz, who first worked at **Honigman Miller Schwartz and Cohn L.L.P.** after her 2001 graduation from **Wayne State University Law School**.

With a large firm, producing billable hours doesn't give a young associate much free time to develop an entertainment law practice, she said.

Even moving to the Detroit office of **Pepper Hamilton L.L.P.**, much smaller than Honigman, didn't offer the freedom needed to go after entertainment clients, so Schwartz went solo.

Her local clients include filmmaker Carrie Lezotte, director of "One of Us" (an award-winning film about date rape) and rock/blues singer/songwriter Kerrie Comilla. Nationally, she represents The Theatre @ Boston Court in Pasadena, Calif., and producer/songwriter/pianist Mary Ekler, who worked with Sergio Mendes, and Little Anthony and the Imperials, and Rita Coolidge.

There is remarkable growth in music, film and theater in the area, Schwartz said. Many smaller studios are doing their own recording on small computer systems "instead of a huge room with a huge mixing board, producing their own CDs," she said.

— Robert Ankeny



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