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Lawyers step up volunteer efforts for artists

PHILADELPHIA, PA – February 12, 2009 — As the recession spreads, there may be one group that is benefitting: artists in need of lawyers.

Since the merge last year of Philadelphia Volunteer Lawyers for the Arts and the Arts and Business Council of Greater Philadelphia, the number of lawyers offering pro-bono work has increased by 100, from 620 to 720, and local attorneys say this trend pays off for both parties.

“Pro-bono work including volunteer cases with artists and arts organizations serves as an excellent training vehicle for young associates,” says Joseph Sullivan, co-chair of the Philadelphia Bar Association’s Delivery of Legal Services Committee and an attorney with Pepper Hamilton LLP.

Sullivan emphasized his profession’s on-going commitment to pro-bono work while recognizing its developmental role for attorneys. “Often artists’ legal needs can fill gaps in the development of young associates. Our priority is to provide free services and if there’s some benefit for us, that’s ok too.”

Since February of last year, the number of artists and arts organizations receiving pro-bono legal expertise has increased from 500 to 559, says Karen Davis, President and CEO of the Arts and Business Council. “Often when we hear about mergers, we think ‘downsizing and cutbacks.’ We’re pleased that just the opposite has happened here.

“Most of these cases involve issues that may be common to lawyers, but for the artists and organizations who do not have this expertise, the value is empowering,” Davis continues. For some of the artists, these services can be translated into income and even the ability to practice their craft professionally.

For Dogukan Gunker, 29, a music producer-engineer-studio owner in Center City, free legal services have enabled him to “step it up and be taken more seriously” by other artists. “A lot of my work is in the hip-hop world where there are few if any parameters or guidelines regarding ownership of beats, lyrics and music,” Gunker says.

Working with Bruce Bellingham, an attorney with Spector Gadon and Rosen, Gunker incorporated his business, which now protects the ownership of his music. “I have contracts now, and I think of myself as a legitimate company which sets me apart from others in my field. Now that the business side is set up, I can invest myself into making music that will be protected. Its empowering, and other artists take me more seriously now,” Gunker says.

Bellingham points out that artists, particularly those in the music field, don’t know about copyright laws so when it comes to ownership and contracts, usually there are none. Hip-hop artists, for example, need to learn not to just give their beats to another artist. “Dogukan is protected now that he’s incorporated, and it’s spelled out very clearly in a one-page document,” Bellingham says.

Following last year’s merger, the Arts and Business Council conducted a study to benchmark the nature of services volunteer lawyers provide artists. The findings pointed to a number of possibilities for new or stronger legal services, such as the establishment of legal clinics and career development assistance, particularly for young artists and others newly engaged in the arts, Davis explains.

For the lawyers, volunteering can provides educational and broadening experiences, which ultimately carry a lot of value for individual lawyers and their larger practices.

Mary Kay Scanlon, pro-bono coordinator with Ballard Spahr Andrews and Ingersoll agrees. “Pro-bono work with the arts is ideal because it tends to be transactional, and often involves disputes, intellectual property and contracts” which can strategically fill a void for associates.” Scanlon adds that in recessionary times, these projects can potentially fill open, billable hours.

Pepper Hamilton's Phillip Mellet recommended mediation between the Center for the Creative Arts in Delaware and concerned parents of a child with food allergies. "I really got a sense of independence and ownership because on small pro-bono cases like this, I am responsible for handling the majority of the legal work and I have the opportunity to serve as the primary contact for the client."

An affiliate of the Greater Philadelphia Chamber of Commerce since 1981, the Arts & Business Council develops relationships between business and the arts for the mutual benefit of both and to advance the region overall.

Another case study:

Aspiring writer Angela Allen faced concerns similar to Gunker's except in her case it was with e-publishers. "Having an attorney put me in a much stronger negotiating position and made me an educated decision-maker," Allan says after several rounds of back and forth negotiations with a potential publisher. "Without that, I was really operating in the dark, which I think happens to a lot of creative artists."

"Dwayne (Ritchie of Dechert LLC in Philadelphia) gave me his full attention. I may be anxious to get published, but I've learned not to just give my work away," Allen says, adding that she couldn't pay the \$300-\$400 hourly rate for an intellectual property attorney.

About the Arts & Business Council of Greater Philadelphia

An affiliate of the Greater Philadelphia Chamber of Commerce since 1981, the Arts & Business Council of Greater Philadelphia develops relationships between business and the arts for the mutual benefit of both and in support of the advancement of the Greater Philadelphia Region. For more information, please visit www.artsandbusinessphila.org or call 215.790.3620.

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