

Introduction: Welcome to the Enchanting Lawyer Podcast. The show that walks you step by step to improving strategies you can use today to grow your business. We show you how being kind, useful, and, of course, enchanting will bring you more clients and build a thriving community.

Now here's your host from sunny San Diego, Jacob Sapochnick.

Jacob: Hello everybody, this is Jacob Sapochnick, the host of the Enchanting Lawyer podcast. Today I am excited to interview a very interesting accomplished attorney. Her name is Evita Kaigler. Evita is an attorney, public speaker, author, philanthropist, and champion for musical integrity.

As the founder of the Law Offices of Evita G. Kaigler, she leads the firm through her proficiency as music lawyer and a consultant in the major recording, music publishing and the independent music market. The firm serves as legal counsel for some of hip hop's rising star such as Big K.R.I.T, Joey Bada\$\$, Jarren Benton, and many, many others.

Evita finds great love and purpose in her capacity as a music lawyer and consultant, serving a deal maker for clients with companies such as Def Jam, Sony, Universal Music Publishing, and many, many others. Recently she's working on her first book Don't Forget About The Music: How to Build Your Foundation for Success in The Music Space and it's going to come out very soon if it's not already been published.

Evita, welcome to the show. How are you?

Evita: Thank you, thank you, thank you. I am great. I'm excited to be speaking with you and about all things music coming from my end.

Jacob: Perfect.

Like I mentioned in the beginning, I always like to ... there's just too many lawyers who are doing the same thing. They just go to work, they do their thing, and they're not passionate about what they do. I just looked a little bit about what you do, a bit of research, and I just feel that you are truly passionate about this area.

Before we dive in to some of these questions about what you do, why don't you kind of tell us more about yourself and how did you get started. First of all in law and why focus on music law.

Evita: Gotcha!

Well, I am a music lawyer and I always say that music is my drug of choice. Well, I don't have this in any other areas because I am passionate about music. I think

it's just the way that I'm wired. When I'm really into something, I am all in. When I'm not, I'm not all in. My heart isn't in it. I'm pretty sure I wear my non-enthusiasm on my sleeve and I just can't be my fullest for something that I don't want to do or that I'm not passionate about. I'd rather spin the time and make the sacrifices trying to figure out how to make something that I love work as oppose you spending time trying to make something work out that I don't love. So that's just how I've been wired so that has certainly served me in getting to this point.

I like to tell people that I'm a music person first and I just happen to be a lawyer. My path to where I am now certainly just started with my love of music. From being a kid and just really gravitating towards music and melodies and harmonies and it really living with me and is sitting well with me. I think as a natural force when you aren't too familiar with all of the players in the music space, you tend to identify music with the performance of it. I had my eyes on being a performer and had a little teeny tiny taste of the performance end of it. It certainly wasn't what I thought it was but, you know, I was young.

So I begin to take a look at books. Books that would tell you how to get a record deal. All these different things in the music station. I came across a book called All You Need to Know About the Music Business which is actually written by a music lawyer. I'm completely captivated the fact that there was this person who seem to know everything about the music business who was a lawyer.

So I turn my attention and my focus to the academic route to becoming a person, and a voice, and a contributor to music. That was my path and that kind of my guiding light to becoming a music lawyer. Nine years later, after passing the bar, here I am.

Jacob: Beautiful.

I spoken, a few months ago, to a fashion lawyer, Nicole Abboud, maybe you've heard of her. She's also a podcaster. She mentioned that it's ... We do contracts, we do ... What we do in law is similar but when we focus on something like a fashion law, a music law where we're kind of really passionate about our field and the clients get connected to us much easier because they feel that we know what we're talking about, and we think the same.

For those of us that don't understand, what's some of the typical problems or legal binds that artists and people who write songs, produce, represent these people tend to get into. Maybe give us a little bit of examples.

Evita: Absolutely. I tend to have this assumption that people -- when I tell people that I'm a music lawyer that they naturally understand that. [unclear 00:05:35] the case.

I remember talking to a young student once and he said, "Oh, I see you're a music lawyer. What does that mean? Do you travel with your clients on tour and keep them out of jail?" I thought it was really funny because I had no idea that that perhaps may have been a perception. And then when I told him what it is that I do, he actually became really interested in the profession because he played in a band several times a week. And he had a passion for music and he had no idea that this path even existed.

So he has since graduated and started his own practice and he has an entertainment music law practice area in his overall practice. But I think that's pretty, pretty cool but I always bring that up as an example of someone not knowing.

Generally, what you think about artists, producers, songwriters, manager, independent labels and these are all people and entities that I represent. Everything that they do, there is a transaction involved. If it's an appearance, an endorsement, an album, featuring on someone else's project, songwriting, all of these things require -- they are transactions and they require some sort of documentation for it.

As a core of what I do is I help to manage, protect, and kind of sort out any sort of opportunities and deals that are centered around my client's intellectual property. So that's kind of the straight legal academic intellectual property. But the management and the guidance around this intellectual property whether it's copyright, trademark, personality rights, all of these rights win themselves to recording agreement, music publishing agreement, endorsement deals, touring deals, appearances. Everything that people are doing within the music space is centered around their intellectual property. But the fun part is being able to shape the deals that are focused on the intellectual property.

Someone wants a client to endorse a pair of snickers, what we're dealing with there is my client's personality rights and we get to talk about the exclusivity period of that, what the exchange and value was going to be as far as a monetary value. Or maybe they're going to do some sort of contribution to the client's tour via the major sponsors. So there's all the scenarios and things that we do but they're centered on the property of the client. So that's a little peek into what I do every day.

Jacob: It's interesting because when we think of the music industry, we look at the glamorous side. We don't understand that there's so many problems that these people go through until they actually able to be on stage, to be seen on TV, to be able to be on concerts. It's a constant struggle. And I'm sure that you see it all the time.

Let me ask you this. Let's say a new artist or somebody who's starting out. A manager who wants to run a band comes to you. What are some of the first thing you tell them that they need to do now to make sure their career starts in a good path?

Evita: Wow! Now that my book is out, I would highly recommend that they get the book which is actually going to be a fraction of a fraction of a fraction.

Jacob: We'll talk about it, of course, in a few minutes. Not only that, we'll link at the end of the show, the show notes, where people can actually get the book. Absolutely.

In addition to the book, what would you tell, a few tips that may be in the book as well.

Evita: The tips that I would give them are absolutely in the book. Basically, the angle that I always come from is, you know, what is your foundation, what foundation are you standing on? What are your reasons for wanting to be in the music space? If you're a manager, if you're an artist and you're just starting, knowing that the music space is gigantic. I would really recommend.

At this point, this isn't even legal advice. This is more about consulting advice. Building your foundation which is centered on who you are and why you are in the music space. Understanding that your career, it involves four areas: you, your music, your business, and your brand. What I would do with that up and coming manager or the band that needs managing or she's managing, is just to take a look at the health of all of those areas: you, your music, your business, and your brand. And really honing in on what your place and space is in the music space and really charting a course for that.

Along in charting that course, I will go through with you kind of your property rights which involve a copyright trademark, personality rights that I talked about earlier, and where those fit in on this path and what you can do to maintain those, protect those. At what point you actually need to engage a lawyer. At what point do you need to engage a lawyer just for some consultation, or for actual agreement. But just really taking a look at what your six to 12-month plan is. Looking at you, your music, your business, and your brand and saying step-by-step how can you grow overtime in addition to what the legal pieces are to that. So that's my initial approach.

Jacob: Of course, once you have good foundation, from there it's much easier to continue doing things right as oppose to you trying to fix somebody's mess when they come to you after a long time of doing things the wrong way.

Evita: Yeah. I've seen that a lot.

Because I am a lawyer, people tend to think that we love conflict and being adversarial. I actually don't. I prefer to be in a mode where everybody's creating, everybody's moving forward. My clients are in a position to share their gifts with the world but with this job comes things that involves conflict. It's an issue [unclear 00:11:50] that you have to sort through and put out. That's just part of the job.

I've seen young [unclear 00:11:58] may have signed agreement without legal counsel and then they come to me and say, "Hey, I've signed this. What can we do? Or clients whose work have been infringe and just navigating that.

Jacob: As you mentioned the story about people who are signing things without getting legal advice. I remember I interviewed Derek Sivers, the founder of CD Baby. I don't know if you heard of them.

Evita: Oh yeah.

Jacob: I'm sure you have.

So Derek was ... When he was telling the story, [unclear 00:12:33] interview back in the day was the way he built his company and how he empowered his employees to allow him to leave his business and travel the world and eventually sold his company.

But one of the things that he mentioned back then is that when he started CD Baby, he wanted to empower the artist to be able to sell music directly without going through the labels. That was just a little bit before iTunes came out, what Apple did. He said something interesting. He said that artists typically are not in control of anything, even though they suppose to be because they create, they are not because somebody else is taking that away from them.

I wanted to ask you because we see a lot of disruption right now in the music industry. Apple's new streaming system that they have right now. It's just music that is available online, people can just buy it, or stream it, or copy it. What do you think is going to happen for artists and what is the industry facing as we move to the future?

Evita: Wow! There's so many things that I could say to that. From an artist standpoint, the beauty is that you don't have to be signed with a major entity in order to get in front of people.

Historically, when we didn't have the internet and we had only a few television channels and radio was the main source of hearing music, there were major entities that could call all of the shots. Getting to them was such a challenge because everybody ... they could not take on everyone so if you got to them, in

essence there are bank of sorts and they pour all of this money into your brand and your artistry and then the world knows you, that's what it used to be. But now if I wanted to create an album, I could go and do that and upload it on the internet on a particular platform and build a fan base directly. That is the beauty of where we are now.

The challenge with that is is that when we're in a very saturated market where everybody is doing exactly that, creating music and putting it up on the internet. You're dealing with a larger pool where more people are swimming in it so now your challenge isn't necessarily getting the project done and making it available, it's getting people to pay attention to it and to consume it and to grow with it over time and that takes a lot of hard work and endurance that has nothing to do with your talent.

That is the challenge. There's opportunity but you have to be able to navigate the space and create those opportunities. So that is certainly is a ... there's a beauty there then there's also huge obstacles there but they're not impossible.

As far as where the music space is going, I think we've entered into territory where we know that we will not be going back to music being available in CD's, in brick and mortar places solely. We know that we're just not going to do that because consumers, you know, I'm a consumer as well, we are into convenience. We are into things that are convenient on a mobile scale. The old way of consuming music just does not fit in our lifestyles. Not just our music consumption but in our lifestyles and how we consume everything else.

It's really going to be consumer based in how we consume things in other industries as well and music is going to have to go in that direction. The interesting thing about music is that it's kind of ... music consumption is kind of been at the forefront and leading the way in how other things and other industries maybe consume products, maybe consume it as well.

I think we're going to ultimate end up in a just kind of in a streaming world. I'm not going to say it's my fear but what I am fighting against in hope to play a major role in is a cultural notion that music should be free.

Jacob: Right.

Evita: I really struggle with that. Of course, there's the economic piece to that and a business piece to that. I don't know why there was ever an idea that music should be free. I think a lot of people, because it's so easy to consume now, and because you can't find a lot of free content, culturally we're starting to get into a lifestyle of music should be free. I think if we don't have people who are vocal about how that should not be the cultural norm, we're going to end up there.

I certainly do applaud people like Taylor Swift who certainly stood up and say, "Hey, this is my gift and my craft and I co-create with all these other people. This is what we do and we do it well and we work really hard to give it to you all. It should not be free."

As easy this space kind of moving in, whatever's the most convenient abandoning kind of our old ways of consumption but nearing that mark of how do we get this as close to free as possible. Hopefully they're going to take into consideration how do we preserve the economy of the music space as well.

Jacob: Right. I think that the notion of free is becoming ... It's because everything is accessible. I'm a big fan of live streaming and I use it myself in my legal practice and just other things that I do. But I was recently at a concert of U2 and they pretty much streamed the whole thing on Meerkat. I'm wondering, what is your take on live streaming for music and bands that are allowing that or bands that are not allowing that and are actually going against people with stream. Then, again, such a new area, less than a year old. I don't know. Curious to hear your take on that.

Evita: Absolutely. Certainly it's a new area. Not only is it a new area, the laws that are in place haven't quite caught up. From a legal standpoint where there solo practitioner in a firm or you're representing these digital platforms on a legal end. Nobody really has the answer.

My take at this point is if a band chooses to utilize a live streaming platform, I'm all for that. That is their decision. That is a branding tool. That is a way for them to touch their audience beyond that actual location. I think if we're honest, a live streaming feed, at least with the technology that we have now if you're talking about a Meerkat, it cannot match the live experience. You go to a concert to truly feel that live experience.

Jacob: Of course.

Evita: So I think a band choose to do that. I think that's awesome. I just don't see at this point a platform like a Meerkat causing ticket sales to decline for the live concerts.

Jacob: On the contrary, it actually can help, I think, because people are excited, "Ah, I want to be there."

Evita: Yeah.

Jacob: "Next time I want to be there." You know?

Evita: Absolutely.

And then sometimes there are questions raised about fans who, let's say, for instance a band is choosing not to stream it but fans are streaming from the concert. Again, I actually think it may actually help the band. You're not going to get a live experience feel especially from a fan, streaming-wise. The quality is not going to be there. But it does create conversation and tidbits of content that people are still engaging with. "Hey, there's Susan and she's at the U2 concert." If anything, it has some sort of impression that the band would not have been able to make otherwise.

Jacob: Exactly. It's interesting because the more we have technology, the more we have tools like that, you can use that to elevate what you do as oppose to feel that it's a threat. It's the same for us lawyers who use live streaming or any other tool. We don't say technology is hurting us, it's actually helping us to build more connections, and just like you said, create an awareness for whatever we do.

Evita: Absolutely.

Jacob: We have a lot of young attorneys who listen to the show and just young professionals. I wanted to ask you, if somebody is listening now and they want to say, "You know what, I want to be a music lawyer." How do you get into this? Where do you start? Maybe some tips here to help people that are kind of ... they're interested in doing that.

Evita: Absolutely.

I have a couple of recommendations there and quite frankly, these aren't recommendations that I identify starting out. Truly, for me, starting out, I really had no concept or idea of what to do at all. I just had this passion and this love for music. I knew that I was going to [unclear 00:21:58]. I just spent a lot of time really trying to figure it out. But what I can say now on the other end of things, there are some things that I did annoyingly but I can say now "These are things that people should do."

One of those things is understanding that you are a brand. Even as we sit on our sofas at home, we are a brand. As a young lawyer, I did not have the privilege of saying, "Hey, hire me. I've been doing this for 25 years." I didn't have that privilege. Naturally, people want lawyer with experience.

What I did was I utilize social media and at that time, for me, it was MySpace which was really huge and had a really large music community. I built a voice at a platform for myself as a music lawyer who was a music person who happen to be a music lawyer.

In an essence, I was no different than an up and coming artist, producer, songwriter, indie label. I was the same but I just serve a different capacity. I

really built a platform with that and I found that creatives were attracted to that because it demystifies a lawyer, at the same time give the opportunity for people to see a music lawyer and to see what a music lawyer even does.

I think people were just attracted to my energy as a music lover first and foremost. So that became my brand and that became the thing that people talk about when they talk about me. I like to think that people say Evita does good work, but I truly think that they also say, "Evita is really focused on the music, how it's protected, how it's positioned; making sure that the client who was kind of the creator of the music is taking care of and fully informed.

So building a brand, really the brand that you are building, a platform for that, I highly recommend that. Why are you and who are you in this music space as a young lawyer and building a platform for that. Tell me that's unique to you.

Another thing that I would say is truly understand the music space. For me, after I've done so many deals, they're all going to look like for the most part. But what's going to make the difference in the deals are the contracts of the deals. So, me understanding the music space, the market, market values, genres, charts, those are the things that truly help me to shape the best deal for my clients. Understanding the music space outside of just learning how to be a lawyer, you absolutely want to do that.

So those are the two things that I would highly recommend for younger lawyers who are looking to come into the space.

Jacob: Very good tips. I think, again, the branding part of it is important to ... it doesn't matter what area of law you want to do. It's so hard to set us apart from the competition because, you know, either the lawyers have more money or maybe they have more experience like you said. But once you become a brand, it's very difficult for others to compete with you because you are the brand, whatever it is.

I can tell you, in my case, my area was Facebook marketing. I kind of became the Facebook lawyer. We do have one of the largest Facebook communities for any law firm and that became kind of our brand. We communicate, we giveaway information and people like that because we are visible. I totally think that if you take one takeaway from this podcast is trying to build your brand and become a brand and be passionate about what you do.

Evita: Absolutely.

Jacob: Evita, as we come to the end of our show, why don't you tell us where we can get the book. I will make sure to have a link to where they can get it. Also, your

website or anything that you want to share with us if somebody wants to continue with the conversation with you and find out more about you.

Evita: I certainly do appreciate you.

The book is called Don't Forget About the Music: How to Build Your Foundation for Success in the Music Space. It was written for artists, producers, songwriters, music business entrepreneurs, and executives. So pretty much anyone who wants to make an impact in the music space. You can find it on dontforgetaboutthemusic.com. Again, that's dontforgetaboutthemusic.com. Or even amazon.com.

If you go to that website, what you'll see is you'll see a ton of group discussion questions and exercises, classroom discussion and exercises. Eight copyright videos as well as all of the exercises in the workbook. You can see that now absolutely free. Just to get us to go for what the workbook even provides and if it's something that may be helpful for you.

If you are a law student or a college student who's looking to get into the musical profession, you can certainly check out futuremusicattorneys.com which is a program I developed several years ago just for you. Again, that's futuremusicattorneys.com. It is a free program and there's tons of content that's up there now.

Jacob: Excellent. So this is the website where anybody can just go and read. Is it a membership website or just information is on it?

Evita: Information is on it and if you want to submit your name and join and sign up as a member, you can absolutely do that. You'll receive any sort of updates that we do, any panels that we're going to do, anything that's online that we're going to do.

Jacob: Excellent. Beautiful. I love that.

Thank you so much, Evita, for taking the time. I know you're busy. I am very inspired by what you do and I want to wish you all the best with your work. I know you're going to be very, very famous one day.

Evita: Oh, thank you, Jacob. I appreciate you for giving me the opportunity and I appreciate you for even having an interest on what I do. So I'm very grateful. Thank you.

Jacob: Thank you.

Thank you to our listeners who tune in every week; sending us emails, and comments, and your questions. We hope to continue to provide content and we'll see you at our next episode.

Closing: Thanks for listening. You can find even more resources, including the show notes for this episode, at enchantinglawyer.com. That's www.enchantinglawyer.com.