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Eleven Keys to Success in the Music Business

By Glenn T. Litwak, Esq.

As I attend and speak at music conferences around the country it seems to me that regardless of what the topic may be, what people really want to know about is: "How can I get ahead in the music business?"

For recording artists... how can I get a production deal or a deal with a major label? For songwriters... how can I get placements with major artists? For producers... how can I produce music for major artists? Therefore, in this article I will discuss eleven keys to success in the music business. These are things you can do or talents you need to have in order to succeed. Of course, there are no guarantees, but we all want to maximize our chances.

This is an exciting time in the music business and everyone seems to agree we're in a transitional period as we have entered the digital age. While some people feel that the music business is in trouble, I believe there are many new opportunities. Although CD sales are down, income from digital exploitation of music is up.

There has been a long history in the entertainment industry of resisting new technology and then, eventually, embracing it. For example, in the 1970's when VHS video was first introduced, Jack Valenti, the President of the Motion Picture Association of America, said that you know if people could rent movies for \$3, no one would go to the movies anymore and that would be the death of the movie business. As it turned out, that wasn't true. Going to the movie theatre is a unique experience and rather than destroy that business, the movie business has continued to grow.

Similarly, in the music business, the record labels have been resistant to digital technology and have

sometimes even resorted to litigation to try and control it. As time goes on though, we're beginning to see more and more deals between the record labels and digital companies as the music business has begun to embrace digital technology.

Recently in the press there have been numerous articles about MySpace and YouTube. YouTube is the video sharing website where video clips are viewed more than 100 million times each day. It was launched last year and has enjoyed amazing success being purchased recently by Google for 1.65 billion dollars.

MySpace was also purchased recently for 500 million dollars by News Corp. Conversely, in another sign of the times, Tower Records has been put up for sale after it filed for bankruptcy protection in August of this year for the second time in less than three years.

While the above discussion about the digital revolution in the music business may be interesting, certain keys to success will essentially remain unchanged, despite the new ways music will be made and distributed.

So, here are my eleven keys to success:

1. EDUCATE YOURSELF

Educate yourself regarding the music business. For instance, I started out as a trial attorney and when I first started doing music law I needed to educate myself. So I began reading Billboard Magazine, looking at music industry articles in the LA Times, Variety, and The Hollywood Reporter. I started taking seminars including a ten week seminar at the UCLA Extension. I started talking to people and started reading music industry books. There is a great sort of "bible" of the music business for people entering the business. "All You Need to Know About the Music Business" by Donald S. Passman (Simon & Schuster); and is available in all the major book stores like Barnes & Nobel and Brentano's. So certainly one of the first things you need to do is learn about the business. Also, not everyone can afford \$300 a year to subscribe to Billboard so there are a lot of things you can get on the internet. You can log on to Billboard.com, MTV.com and BET.com, etc. Knowledge of the music business can only help you as you pursue your career.

2. HAVE THE TALENT & CHARISMA

One of the keys to success obviously is just to have that incredible musical talent. Physical appearance usually also has something to do with it. One thing I hear a lot about is that the record labels are looking for a certain star quality—a certain charisma. When you think of that you think of someone like Beyonce or Jamie Foxx or Usher. They have a certain spark in addition to their musical talent. They are the kind of person that just walks in and lights up the room and you can't take your eyes off of them. That's how I've heard people describe it. So having that talent and charisma will have a huge impact on whether or not you will ultimately be successful. On the other hand, if you don't have the talent and/or charisma, everything else you do may not matter.

3. DEVELOP YOUR TALENT

Develop your talent. That means if you're a singer you need to work on your voice. Take voice lessons. If dancing is part of what you do, take your dance lessons. Perfect your musical instrument if you are a musician. If you're a producer, work on knowing everything you need to know to produce music.

4. SHOWCASE YOUR TALENT

This means you have to let people know what you do. That can mean entering into talent contests, auditioning, performing at clubs or in concerts. Do whatever you have to do to showcase your talent. With aspiring recording artists many times the strategy they use is to prepare a package with a demo, a bio and some photographs. Then they try to get the A&R people at the major labels to look at it. This is a very tough way to go. Virtually all the acts I've worked with in the last 10 years (and mostly these are R&B/Pop), have been signed through production companies. None of them have gotten signed by submitting demos directly to record labels. I'm not saying that never happens, but that's not what I've seen happen.

People also send unsolicited materials to management companies, entertainment attorneys, and production companies with similar results. Nowadays I think it is

important that instead of chasing after these A&R people at the record labels and trying to get them to look and listen to your package, what you need to do is build a name for yourself in your local area. Sell some records yourself. Showcase your talent and if you have that incredible talent, the cream rises to the top. You will get noticed. Eventually the A&R people will hear about you and they will be chasing *you* down.

5. NETWORKING

Talk to your friends, family, business associates, etc., and let them know what you're doing and see who they can introduce you to. When you go to parties and events, talk to people and let them know what you do. Have your business cards ready. Network, network, network! You never know where it can lead.

When I say "networking", a lot of times I go to events and if there is a panel discussion at the end people rush up to talk to the speakers. That's great and the speakers go home with a bunch of demos and business cards. But it's more than just that. The people attending a seminar or a conference could be people who might not necessarily be your competitors. Rather, they may be people that can help you. Maybe you're a recording artist and there is someone in the audience who's a songwriter and you could work together. I'll give you an example—in addition to doing music, I handle film and television clients. I had a cocktail party one time a number of years ago and two of my clients met at the party. One of them ended up funding a movie and the other one ended up working as a producer on the movie. So understand formal networking and informal networking. Wherever you go there are networking opportunities out there.

6. WORK HARD AND SEIZE OPPORTUNITIES.

Get your hustle on. Again, a lot of people want to be in the music business. It's extremely competitive and the people I've seen who are successful most of the time are not an overnight success. They work extremely hard. They work long hours and they are constantly hustling even after they achieve success.

You may have to make some sacrifices. Maybe that

means that you can't have a normal 9 to 5 job. You may have to work at night in a restaurant even though you have a college degree.

Another point to emphasize is just to be flexible. You need to seize the opportunities that present themselves. I've seen a lot of young artists who have never been signed to a production company or label, say that they are solo artists and they don't want to be part of a group or they want to be signed directly to a label. What I usually say to them is that you should seriously consider an opportunity to be in a group that might get signed to a production deal, or to a label. If Beyonce can be in a group, then you can be in a group. Maybe the path to stardom is that you are in a group for a couple of years then you break off and do your solo thing. My point is this: don't automatically join any group, but carefully analyze every opportunity and see if it can be a step forward. If your ultimate goal is to be a solo artist you might have to take some intermediate steps. An example: Fergie of the Black Eyed Peas came out recently with her first solo album.

7. DO YOUR DUE DILIGENCE

This means... do your homework. In the business investment world it is called due diligence. Whoever you're dealing with in the music business whether it's a record label, a production company, a manager, a producer, a lawyer, a songwriter you need to do your homework about that person. You can have the greatest written contract in the world, but if you're dealing with a bad person, a dishonest person, it's not going to matter. They're going to breach the contract. So you need to investigate the people you're dealing with. If it's someone that's famous a lot of information is public knowledge. However, I'm talking about the situation where you're not sure about the person. For instance, you meet someone at Starbucks. They say they're a music producer and they love your music. So you might ask, "What have you produced?" If someone says they've produced for Beyonce, then if you get her CD you would expect to see their name on the credits for the song. Many people now have websites where you can find information. You can also Google people and learn a lot about them and the industry. One of the best ways to learn and investigate is to ask other people. If the person really is a big time music producer

then people in the music business will know who he or she is.

8. READ & UNDERSTAND YOUR CONTRACTS

You need to read your contracts and understand the contracts you enter into and hopefully have a manager or your attorney review them before you sign them. I know a lot of artists say they are creative people and they want to focus on their music, they don't like or want to read contracts and they say that is why they have a manager or attorney. I spend a lot of time with people who come to see me and ask me to get them out of a management or a production contract and more often than not they say that they did not have an attorney review it for them. Most of the time the reason is because they think they can't afford an attorney. Well, there are some alternatives. For instance, California Lawyers for the Arts. If you're a member you can get a half an hour legal consultation with an attorney who's on their referral panel for \$30. At least you have a half an hour consultation and an attorney can take a quick look at a contract. When you sign a management deal for 3 or 4 years, it's a very important contract. You should give it a priority and make sure an experienced music attorney reviews it. Also, no one should pressure you into signing something and not give you an opportunity to get a lawyer. If someone is asking you to do that, perhaps they are not the most reputable person in the world.

9. DON'T WASTE TIME WITH THE WRONG PEOPLE

Another point is to try and not waste time with the wrong people. This is easier said than done. You can waste a lot of time and spin your wheels dealing with people who are on the fringes of the music business or someone who basically just wants to, for instance, date you. People like that can tie you up and you need to find out right away if they're for real or not. You certainly should find out if someone has never represented anyone and can't do anything for you. You need to find this out that sooner rather than later.

If a recording artist wants to find a manager, he or she may find that all the really good managers are extremely

busy and not taking on new clients or you might find an aspiring manager who loves your music and is willing to work hard. Everyone has to start out somewhere so sometimes you can find someone with little or no experience and it can work out. But certainly that person has to be honest with you and tell you that he/she has no experience. A lot of people will exaggerate what they've done and you need to know for sure who you're dealing with and what experience they have and whether they are truly interested in helping you with your music career.

10. REPRESENTATION BUSINESS

The music business is a representation business. To get above a certain point normally you need to have representation. When I say representation, I mean you need a manager, producer, a production company, a management company, or an entertainment attorney or some combination thereof. You need to build a great team around you. Most recording artists I know first get signed to production companies. They develop your talent and work on your music and then they shop you to the record labels.

11. CONSIDER YOUR ALTERNATIVES

And last, but not least, consider your alternatives. I am not telling you to not pursue your dreams. You should pursue your dreams, but at some point if it hasn't worked out for you or you change your mind or you get negative on the music business and don't want to pursue it anymore, you might consider some alternatives. Maybe it turns out you love the music business, you want to be involved in it, but maybe you want to be involved as a manager. Or instead of an artist, you want to be a producer. Or it may turn out that what you really love is songwriting, not performing, and you want to focus on your songwriting. Or maybe you are a songwriter or producer and people keep saying you should be a performer. Maybe you want to go work for a record label, music publisher or a production company.

An example is a client of mine who was in a group, sort of an urban version of the Pussycat Dolls. She was also an aspiring actress. She was a backup singer in the group and became close friends with the other members. She wanted to act more than sing, but

didn't want to let her bandmates down. The group eventually broke up and she began pursuing her real passion – acting. Well, to make a long story short, within a few months she got a lead role on a nighttime soap opera that is currently shooting.

In closing, pursue your passion, but be careful. I hope something in this article will help you maximize your chances of success.

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