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BACKGROUND: Formerly a trial lawyer, Glenn Litwak founded his own firm in 1995. Easily making the switch to entertainment law, Litwak represents filmmakers, dancers and models, as well as musicians, songwriters and labels. Litwak wrote "Ten Tips to Consider When Entering Into a Management Agreement" a Tip Jar article for a recent issue of Music Connection.

Multi-Branching:

I represent Marques Houston. In addition to being a recording artist, he's the former lead singer for Immature [which later became] IMX. He's been on two television series, *Sister, Sister* and *Cuts*. He's been in a bunch of different movies — *Fat Albert*, *You Got Served*. He's also a producer, a songwriter and an artist. There's a lot of overlap. A lot of the producers I represent are also songwriters and a lot of the artists are songwriters. I look at the music industry as a springboard to developing other ancillary revenue streams. Once you're established as a recording artist, then other revenue streams can open up, such as merchandising, endorsements and acting.

Affording an Attorney:

Experienced entertainment lawyers here in Los Angeles might charge in the range of \$400 an hour. Most people, especially newer artists, couldn't afford that, but there are three ways you can compensate a lawyer: First, by the hour. Most new artists don't have that kind of money. A second

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way is to pay a flat fee, but that's not common. Third, music lawyers commonly work on a percentage (often five percent) of what the artist gets, so you don't always have to have money up front. California Lawyers for the Arts is a volunteer organization I'm a member of. If you join the organization, for \$35 you can get a half-hour consultation with an experienced entertainment lawyer. Most people can come up with that. So if it's a major deal that's being offered, you can find an attorney who will wait to get paid. And if it's a small matter, there are organizations that can help you.

Due Diligence:

You could have the greatest contract in the world, but if the manager's a bad person he's not going to follow the contract. Before signing a contract, I tell the artist, "Let's do our homework. Let's do a Google search. What do we know from other people? Who has this manager represented? Can we verify that? Does he have a lawsuit pending against him? Does he have a bad reputation?" We go through that before we even get to the paperwork.

Getting Out:

Sometimes new artists come to me after they've signed a contract and say "get me out of this deal." You're not automatically entitled to terminate a three- or four-year management agreement just because you don't like the manager, but there are sometimes things you can do to terminate or negotiate your way out of a contract. If the manager has breached the agreement, just like any other contract, you can try to terminate it. But the management/artist relationship is personal, so usually there can be an agreement to release the artist. On a recording agreement with a major label, if you want to get out of the deal, that's a different story. Major labels don't just sign people for one album. Major labels will always have five or more option periods and if an artist wants to get out it's not automatic that they can.

Don't Dismiss 360 Deals:

If you're a new artist and want a deal with a major label, chances are you're going to have to sign a 360 deal. You're not going to have much of a choice; that's the kind of

deal they're doing now. Secondly, just because something's a 360 deal doesn't necessarily mean it's bad for the artist. You have to look at what you're giving up and what you're getting. There are many types of 360 deals, some which may be okay for an artist, especially under the circumstances. If you have an offer from a major label, you'd better think carefully before you reject that offer. It may be the last offer you ever get. There's nothing like the marketing muscle of a major label for a new artist, especially a pop artist. When these deals first came out, they were viewed like a money-grab from the labels. That's sort of where they got a bad reputation, but these deals have been evolving.

Escape Artist:

I'm always interested in things like including an escape clause. For instance, if a client signs with a production company and they want to shop the artist, I like to put in a limit of something like six to nine months. If they don't get a deal, then you get released. If it's a record label, you can negotiate to have a clause that says if they don't release an album within a certain amount of time then the artist is released. That's the kind of thing where an experienced attorney is going to be helpful.

Get Your Game Face On:

I represent some artists who are not signed who are making a living off their music. I have a client named G-Sleep. He's never been signed. When I met him, he was working at a supermarket. He was able to quit his job within a few years and now makes a living off the music business. He has a home studio, does tracks for other people and people rent his studio. He is an incredible networker. He'll hang out where he knows industry people are hanging out. Through his networking, he met a producer who liked his music and that producer placed his songs in film and television. He sometimes does free shows, just because that could lead to a paying show. All together, it's enough for him to get by.

The Upside for Unsigned Artist:

TV networks like unsigned artists for a couple reasons. In the TV business, they have deadlines and

don't have a lot of time. They know with an unsigned artist they won't have to negotiate with a publisher or a record label and they're going to pay a lot less. And if an unsigned artist that no one knows about gets a song on a hit TV show, it can make a big difference.

Get Discovered, Digitally:

It used to be a major label would have A&R people go listen to bands and maybe they could see three or four bands in a night. Some of these people might be getting paid \$100,000 or more. Now, the major labels might hire someone for \$40,000 to sit in front of a computer and look on MySpace for new groups. They can cover a lot more ground.

Get Recognized:

Do your own CD, sell your records, do some shows, work your MySpace and all your other social networking sites. Don't work all of them, but pick the best ones for you. Then once you build a name for yourself, rather than blindly sending out packages to labels, the labels will contact you. Let people know what you do.

Networking With Tact:

If you're at a music conference and there's a panel of five speakers, after the seminar is over everyone rushes the table. That's not the best opportunity to speak to them. If the conference is at a particular hotel, chances are the day after the conference there are going to be people hanging around the lobby waiting to leave. There's a good chance you may be able to meet these people in a more relaxed atmosphere, just because you know they're at the hotel where the conference is. And everyone at the conference, not just the speakers, is someone that could help you.

Weigh Your Options:

Consider your alternatives. I run across a lot of music lawyers who started out as musicians and were not able to make it to a certain level, so they decided to be attorneys. Many people I've met started out as musicians or recording artists and have gone on to become managers. There are many things you can do in the music business — you have to find out what's right for you. **MC**