



## **Hiring an Attorney to Shop Your Music**

There is an unfortunate misconception in the music community that to make it big, all an artist needs to do is cut a demo, hire an attorney to shop it to the labels, and wait for everything to fall into place. In reality, this is rarely the case.

It usually takes years for an artist to develop their act and mature to the point that they are attractive to a major label. Think about it. How many times have you gone to purchase music by that just found "new" artist and learned that they had been recording for a few years?

The music business is just that – a business. Before a major label sinks their money into an unknown artist, they want some assurances that it will be a good investment. They want some evidence that the artist has the talent, look, originality, personality, live performance, etc. to justify the investment. Artists who can show some indication of star quality like a solid fan base, successful concert touring, sales numbers for CDs and downloads, and airplay statistics tend to be more attractive to a major label than an artist with a demo straight from the studio.

Which brings us to the attorney's role in all of this. I think it would be safe to estimate that major labels receive hundreds maybe even thousands of unsolicited submissions each month. It would be a daunting task for them to examine all of this music (much of which is really not marketable). Many record companies simply state that they do not accept unsolicited submissions and often will advise the aspiring musician to obtain the services of an attorney to submit on their behalf.

Why an attorney? Well, it's a great way to narrow down the submission because the attorney who successfully shops music has one asset to protect and that is their reputation. If an attorney consistently presents artists that the label would consider a good investment, the attorney builds a good reputation as a reliable ear. This increases the chances that the label rep will listen to artists the attorney presents in the future.

Surprisingly, a number of entertainment attorneys don't have an ear for music, don't keep up with industry trends, or just shop music for the hourly rates they can bill. When these attorneys repeatedly send low quality or inappropriate music to label reps, they develop a bad reputation. Your association with that type of attorney will probably prevent your music from getting listened to and in fact you won't be any better off than if you had sent it on your own.

LAW OFFICE OF  
**VALERIE LOVELY**

So how do you find an attorney to shop your music? Many entertainment or music attorneys do not shop music so the first step is to call or email and ask if they shop. Keep the contact short and professional - something like this:

"Hello Attorney X, my name is John Jones and I'm the lead singer in the pop band Smitty John John. Could I send you our press kit and demo to see if you would be interested in shopping it to labels such as X, Y & Z?"

Here are some more pointers:

- After the attorney states that she does not shop for new clients, don't try to talk her into a yes.
- Don't take up a ton of the attorney's time explaining how great you are.
- Don't talk over the attorney whenever she tries to speak to you.
- Don't hold the phone up to a speaker playing your music.

If the attorney offers to shop your music, you need to evaluate whether this is the right attorney for you. An indication of whether the attorney is one who shops anything and everything or selectively will be whether they give you a yes over the phone without hearing your music. You should expect to be asked for your press/promo kit, and/or your website address. The attorney should review everything and give you an answer about representation later.

Once the attorney agrees to shop your music (and before you hire them to do so), you need to know what they thought of your music and your image. Do they really love you? That enthusiasm (or lack of) will be evident to the label representative. To test the waters a little ask the attorney what they thought of your music. You need to find out if they "get" your music and can talk about it with others. If they can't talk about your music with you. . . how are they going to talk about it and sell it with the labels when it counts?

If you decide the attorney is a good fit for your needs, you will need to go over the fee structure for shopping your music. Some attorneys will charge an hourly rate or a flat fee; others will require a retainer to cover incidental costs and will take a percentage of your income from the recording contract you sign. It is important that you understand what the fee structure is up front so you don't get any unpleasant surprises later.

Ultimately, the attorney should provide you with a written contract that details exactly what the attorney's responsibilities are, the fee structure, and when the contract ends. You should consult another attorney [see the archived article on hiring a music attorney] to advise you before you sign so that you understand exactly what the contract means. This is one of the most important habits every musician should get into as early on in their career as possible. Never sign anything without having your attorney examine, explain, and advise you.

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