

## A Dream Field: Intellectual Property & New Media

Jeff Storey '01

Cardozo attracts many students who come to the law from the arts, the computer field, and other creative backgrounds, and graduates many more who seek to enter the booming fields of entertainment, new media, communications, and intellectual property law. At Cardozo, these students benefit from what Prof. Marci Hamilton, director of the Intellectual Property Program, calls “one of the richest intellectual property curricula in the country,” which is supplemented by a range of extracurricular activities that includes a top journal in the field, the premier entertainment and communications law moot court competition, externships, provocative symposia and lectures, and the recently established LL.M. program in intellectual property law that can be completed along with the J.D. in three and a half years.

Today nearly 1,000 Cardozo grads, from an alumni body of 6,500, work for law firms specializing in intellectual property and entertainment law, for new media ventures, and for companies as diverse as BMG Entertainment, McGraw-Hill, the Game Show Network, Twentieth-Century Fox, Major League Baseball Enterprises, PolyGram, ESPN, BBC Worldwide, RCA, Hearst, and something called Itsy-Bitsy Entertainment.

## The Internet Entrepreneur

Mark S. Lieberman '84

Mark S. Lieberman recently built a treehouse for his two children. After they had gone inside, he spent some time admiring his handiwork. “I enjoy building things,” he says. The lawyer-turned-entrepreneur is having a ball building Softcom, Inc., a New York applications service provider whose aim is to revolutionize the way video is used on the Worldwide Web. “There is no question that in only a few years, the giant video will be an interactive home center where people will watch television, shop, pay bills, get e-

mail, do research, and many other daily activities,” said Lieberman.

Lieberman, who joined the six-year-old company as chairman in 1999 and became chief executive officer early this year, sees Softcom as another milestone in the convergence of technology, communications, and media that he has sought to advance as an executive, venture capitalist, and government official. The company’s “streaming media” technology allows broadcasters and other content providers to combine video, chat, streaming text, and real-time data feeds in an interactive screen that integrates E-commerce, advertising, and archives. For example, Softcom supported enhanced Oscar cover-

age for *E! Online* that allowed viewers to chat with an *E!* gossip columnist, view video clips of nominated films, and play a Golden Gamble game by wagering points to pick the winner. And it gave viewers of the Home Shopping Channel the ability to order Joe Montana memorabilia and chat simultaneously with the quarterback after his election to the Pro Football Hall of Fame.

The Cardozo graduate, whose father is a patent attorney, enrolled in law school after earning a mechanical engineering degree magna cum laude from Tufts University. He was a member of Cardozo's first class of Alexander Fellows. He clerked for a Federal Appeals Court judge and practiced intellectual property law. In 1989, he served in the Bush administration at the Commerce Department, where he led the United States in negotiations with Japan and the European Community on high-technology research programs, "before anybody even thought about the Internet." After a two-year stint in government, he moved to the private sector and was involved in seven start-ups. For two years, he was executive vice president of the entertainment, communications, and media division of Cahners Business Information, a Reed Elsevier company, where he directed a sta-



ble of publications that included *Variety* and *Broadcasting and Cable*.

Lieberman says that his legal training has helped him to negotiate his own contracts at cash-strapped start-up ventures. It also comes in handy when he is managing other lawyers. Most important, however, the experience gave him a sense of discipline and the training to move quickly when that was required. He says that Cardozo, with its emphasis on intellectual property and ethical issues, is perfectly positioned to take advantage of the "wonderful opportunities" offered by New York's "Silicon Alley."

Lawyers should take note, however, that working with the Internet is very different from the traditional corporate environment. Softcom recently walked away from a deal it wanted after the other side's attorneys raised too many time-consuming negotiating ploys. "Speed absolutely is of the essence," said Lieberman.

## Superman's Lawyer Lillian Laserson '83

Lillian Laserson's big moment as an actress came when, playing a floozie named Darlene, she had a date with Patsy on *Happy Days*. But after eight years of struggling in a business with an unemployment rate that exceeded 90 percent, she decided that she "wanted to make a living." Law school beckoned for this Perry Mason fan.

After acting, "law school was a piece of cake," Laserson says. She liked the fact that the rules were clear. "You do the work, you make the grades, and you get a job." She loved Cardozo, where she joined the criminal law clinic and was able to try a case. "It was like producing, directing, and starring in your own production," she says.

Laserson worked for a large firm for several years, then moved to a smaller boutique operation that specialized in intellectual property law. She worked for Jim Henson Productions before joining DC Comics and *Mad* magazine in 1990 as the company's first in-house counsel. Today, she is vice president and general counsel, working in offices where the reception area is modeled after the rooftops of Gotham City—complete with bat signal. She performs a variety of functions including contract negotiation, acquisitions, pre-publication review, supervision of litigation, licensing for television and film, and monitoring "very tricky" intellectual property questions.

DC Comics has grown substantially since Laserson joined the company. Employment has more than doubled, and edgier, adult-oriented comic book lines have





Lillian Laserson

been added to *Superman*, *Batman*, and other traditional fare. The company now publishes a variety of different genres including mystery, humor, and nonfiction. Nonfiction works in particular present new and challenging legal issues in the areas of libel and the rights of privacy and publicity. The Internet has also created new opportunities as well as legal issues. DC Comics has even become a defense contractor, deploying Superman and other characters to teach children in Kosovo, Bosnia, and elsewhere about the danger of land mines.

For her relationships with the people who write and illustrate the company's products, Laserson says "it is very helpful that I have a creative background" because other employees tend to look at lawyers as "suits." Her usual response when approached by editors, writers, and artists with a creative but legally troubling idea is to say, "Let's figure out how we can say this."

Laserson says that she loved reading comic books and *Mad* when she was growing up in Scarsdale. She does not read everything the company produces now—editors know when to contact her about a potential problem. Nevertheless, she is convinced her job is unique because "let's face it, I represent men in tights."

## The Art Director Lawrence C. Barth '84

Lawrence C. Barth is a busy litigation partner for the Los Angeles office of Munger, Tolles & Olson who fights "to remain something of a generalist." He has represented plaintiffs and defendants in areas as diverse as trade secret misappropriation, employment discrimination, broker's mal-



practice, complex business disputes, and environmental law. His firm does not represent Hollywood talent, but it is often hired by major entertainment firms like Universal and Warner Bros. Barth has also written and filed briefs for artists' groups in censorship cases that have gone all the way to the United States Supreme Court.

Barth represents some "very significant artists and photographers," publishers, and galleries. He counsels artists on the legal issues they must grapple with in their day-to-

day work such as trademark and copyright infringement, moral rights and privacy/publicity rights, and First Amendment rights.

"Lawyers are by nature conservative creatures," he says. "They try to avoid risk. It's easy to tell a client you cannot do that." Barth's clients look to him for creative ways to achieve their visions without taking legal missteps. He is uncomfortable vetting artists' and writers' work for obscenity. The First Amendment did not give lawyers the job of determining content, he says. But a lawyer can make his or her clients savvy about legal issues. Barth's artist clients trust him because "they know I am interested in what they do."

That interest is long-standing. In fact, Barth himself has a professional background in the arts. He attended Cooper Union in New York, but left without getting a degree to work as a magazine art director for five years. Then he decided to become a lawyer, and "Cardozo took a chance on me. I had a wonderful time in law school," said Barth. He worked as articles editor of the *Cardozo Law Review*, and after graduation clerked for Judge Irving R. Kaufman of the United States Court of Appeals for the Second Circuit. Barth received a job offer from a New York firm, but Prof. Monroe E. Price acted as a matchmaker with Munger, Tolles & Olson.

Barth continues to exercise his skill in visual communication. He works with colleagues to develop non-traditional ways of presenting information to jurors and lectures frequently on this issue. Trial lawyers often are not good at reducing stories to icons or images. Consultants claim to fill the gap, but Barth says much of their work is "linear and verbally based." Barth seeks to use "things that are truly visual. I'm sort of the art director of the firm."

## Producing the Most Creative Work Possible

Muriel Alix Caplan '79

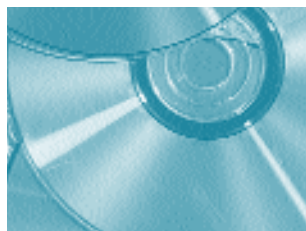
Muriel Alix Caplan '79 did not start out to become an entertainment lawyer. Instead, she was attracted to the law by the fact that it was becoming “a more open avenue for women.” She was a member of Cardozo’s first class, although “it did not seem like a new law school,” she says, recalling stimulating classes and, in particular, Constitutional Law taught by Telford Taylor. Upon graduation she took a job in Washington, DC with the Commodity Futures Trading Corp.

After nearly three years as a government regulator, Caplan decided to pursue a legal career that was more in tune with her personal interests in books and the arts. Switching specialties “was not something you can do overnight.” Just as it is hard to be all things to all people, “it is hard for a lawyer to be all things to all clients.” Caplan returned to New York and began to do freelance legal work for theater and movie producers. During this time she earned a certificate in book and magazine publishing from New York University.

All of this spadework paid off when Caplan was hired by the tradebook publisher Henry Holt and Co. in the legal department. Several years later she was promoted to director of legal affairs. Along with other corporate legal work, she negotiated and drafted licenses and contracts; vetted manuscripts for issues of defamation, privacy, and copyright; and supervised litigation. Walt Disney Co. hired her as a senior counsel in April 1997. Caplan, who is based in New York, works in the corporate law department and in addition to other duties, is the primary lawyer for the Disney-owned Hyperion, a general interest publisher of, among other genres, mysteries, novels, and nonfiction works; as well as Disney Children’s Book Group and Disney Licensed Publishing in North America.

Caplan’s work at Disney has much greater scope than it did at Holt. At Disney, she works with a larger group of clients, and the job is more high-pressured. She frequently works with other Disney attorneys to craft deals that translate characters into movies and television presentations. Moreover, Disney has a large “portfolio” of intellectual property: Mickey, Donald, and the rest and insists that its licensees portray this property in the “right way.”

Caplan says that lawyers who work with creative people must be “open to the process.” They must show empathy for the needs of authors, illustrators, and other talent involved. Creative



people respond better to legal counsel “if they understand that we’ve read the work carefully and acted with sensitivity.” Caplan strives to get across the point of view that “we basically have a common interest to avoid legal problems and to produce the most creative work possible.”

## The Law of Romance

Lisa M. Dawson '99

You know the type. “The hero is tall, dark, and handsome with issues of trust, fear, or some other flaw, but he can’t be dishonest. The heroine is beautiful, smart, and successful with issues of trust or fear but she can’t be a man-hater.” Lisa M. Dawson is thrilled that she is seeing these characters more and more frequently on the covers of books read by fellow passengers on the train from her Queens residence to her midtown office at BET Books.

The quoted descriptions are from Black Entertainment Television’s Web site and intended for potential authors in BET’s Arabesque line of romance novels, which are aimed at an educated, middle class African-American audience. The line was launched by Kensington Publishing Corp. in 1994 and purchased by BET Holdings in 1998. Four paperback titles are published each month in addition to four holiday books, four bride books, and one hardcover. Several of the books have been made into movies shown on the BET cable network.

Dawson, the line’s contract manager, says that the books—which have titles like *Incognito*, *A Private Affair*, and *Intimate Behavior*—are in demand, a fact confirmed

by her informal subway survey. She turns memos from editors into contracts paying royalties and advances to more than 50 African-American authors. In her talks with authors and agents, “I try not to get too adversarial,” she says. Getting the job was “a combination of being prepared and lucky.” Cardozo provided the preparation.

Dawson, who has undergraduate degrees in business and biochem-



Lisa M. Dawson

istry, originally wanted to be a doctor. She was attracted to the law because of its problem-solving nature—“like the sciences”—and its verbal character. While in school she worked for ABC-TV and an intellectual property firm, participated in the entertainment law component of the Summer Institute, and was on the staff of the *Cardozo Arts & Entertainment Law Journal*. Courses like Negotiation in the Music Industry were extremely helpful. She is glad that she chose Cardozo because the breadth of her entertainment and intellectual property law training was “significantly better than that reported by friends at other law schools.”

## The Musician Paul F. Hansen '97

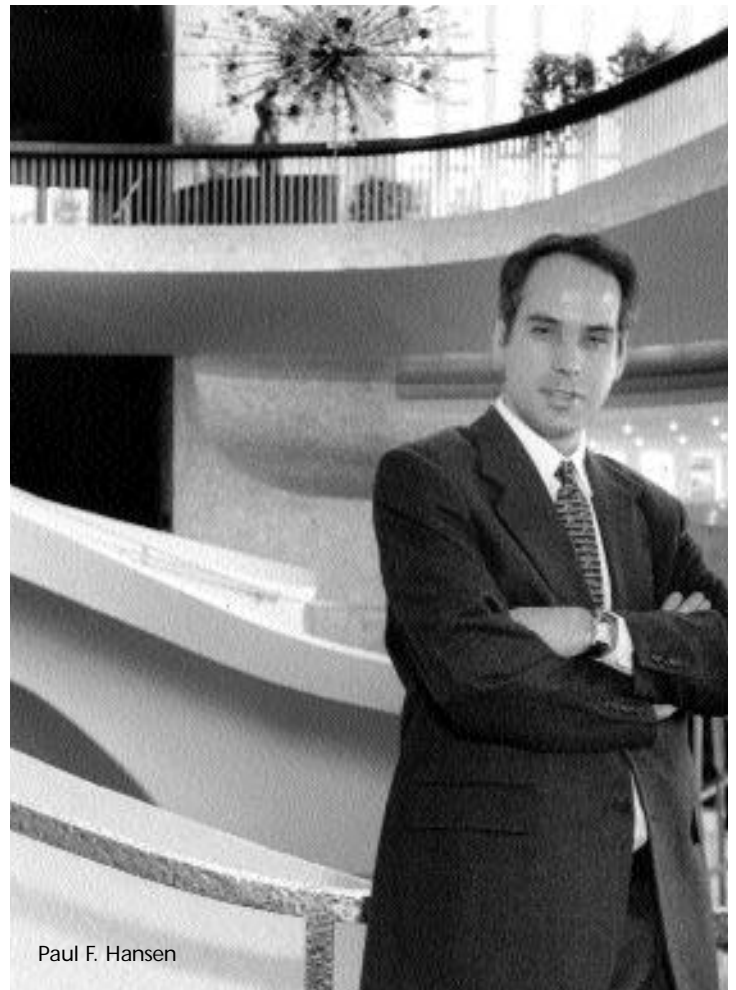
To earn money while a student at Cardozo, Paul F. Hansen worked as an usher at the Metropolitan Opera. Now a full-time lawyer, he still spends several nights a week at the opera house. After all, he has been a fan since he heard Puccini's *Turandot* for the first time when he was 13. In fact, his bosses also encourage him to attend. They want their associate counsel to be intimately familiar with the Met's product.

Hansen describes his hiring for the Metropolitan Opera's two-person in-house legal department as “serendipitous.” When he enrolled in law school, the 36-year-old former musician had thought “that was it, there was no more music in my future.”

A concert pianist from the age of seven and then a composer, Hansen earned a master's degree from Mannes College of Music before deciding that his talent had “plateaued” and that music would not provide “the sustenance that I thought I needed.” Law seemed a good alternative career choice for someone who also studied the social sciences as an undergraduate. As a teenager, he subscribed to the *Congressional Record*, poring over legislative debates when he wasn't practicing Chopin's études and Polonaises.

Hansen was attracted to Cardozo by its reputation for entertainment law and generous scholarships. He was impressed by the “deceptively simple and direct” Socratic method that Prof. David Rudenstine deployed in his constitutional law course and by Prof. Paul Shupack's penetrating exegesis of contract law. But he also ventured beyond the classroom for internships at Angel Records, Siemens Corporation, NASDAQ, and the United Nations.

His stint as an usher helped him get the attention of Henry Lauterstein, who had represented the Met for 40 years, first as a private lawyer and then as in-house coun-



Paul F. Hansen

sel. “The Met has a way of rewarding people who work their way up through the ranks,” says Hansen, pointing out that the current director started as a carpenter. Hansen wrote Lauterstein, who gave the aspiring lawyer research assignments and told him to come back when he passed the bar examination. After Lauterstein retired, Hansen worked as the Opera Association's acting general counsel for nearly seven months in 1999. “It was very exhilarating and very challenging,” he says. “You have to be quick on your feet.”

Hansen deals with a variety of legal issues, ranging from trademark protection to corporate sponsorships. The diplomatic skills he picked up during his father's State Department postings and his United Nations internship have helped him deal with the immigration problems and other hassles faced by international artists—a job that takes up about one-third of his time. Hansen also enjoys drafting contracts. “It requires creativity to bridge differences that can be very severe,” he says. He even is able to occasionally use a rehearsal room to polish his own musical compositions.

All in all, working for the Met has been very rewarding, pointing out that people who work for the Opera Association have a saying: “Nobody ever leaves the Met because there is no better place to go.” ■

