

CAREER SPOTLIGHT: KEN ABDO, ESQ.

Ken Abdo is a partner at the law firm of Fox Rothschild LLP. Spanning forty years, he has extensive experience serving as legal counsel to artists, creators, and businesses in the music and entertainment industries. He is a prolific author and lecturer on music and entertainment law matters. Harnessing his earlier years of experience as a musician, entertainer, and adjunct professor of entertainment law, Ken's career has been a storied ride working with developing, established, legacy, and estates of music artists. He now represents both buyers and sellers of music artist recording and publishing catalogs. His commitment to advocacy has vaulted him to national and international leadership positions with The Recording Academy, the American Bar Association, The International Association of Entertainment Lawyers, and other organizations.

QUESTIONS & ANSWERS

1. Please briefly explain your career path and what led you to your current position.

I started out as an associate in a small general practice firm in Minneapolis, Minnesota, where I described myself as “the trash can lawyer.” I did everything I was told and did whatever I could do to hustle new work, which often included handling divorce, criminal defense, trial litigation, commercial litigation, estate planning, and real estate work. I learned to be a real lawyer. I was formerly a musician and entertainer, so I naturally gravitated to any work that had to do with entertainment or counseling entertainers, which included providing the legal services described above.

2. What was the first professional “win” that made you confident that you belonged in your specific role or the entertainment industry overall?

My early “win” was when I decided that private practice in entertainment law, specifically music law, was my vocation. I went after it, and clients hired me.

3. With the advancement of technology and sophistication of digital platforms, how have you seen intellectual property laws adapt and change to address new challenges in the entertainment industry? Can you discuss any notable trends in this area?

My career spanned the transition from the analog-physical to the digital-streaming world of entertainment, especially in music. From the

development of the internet, file sharing, amendments to the Copyright Act that created the digital performance (streaming) rights, to the creation of the Mechanical Licensing Collective—there has been a near complete transition in the way music is made, distributed, and marketed. In retrospect, the music industry should have, and could have, embraced this at the get-go instead of fighting it. Now, the industry is staring in the face of AI. It's the new frontier.

4. How do you stay up to date with the ever-evolving entertainment law landscape?

The law has always chased technology. You can see it happening again, as the legal and entertainment communities face the challenges of AI. The law is never anticipatory. It is reactionary. All we can do is read relevant trade magazines, legal news, updates, and court decisions, then apply that knowledge to the ongoing conversations, transactions, and litigations that constitute the base knowledge for the practice of law. Additionally, reviewing music charts and artists' works can make the issues more tangible, interesting, and, frankly, fun.

5. What are the most common legal challenges or issues that businesses and individuals in the entertainment space encounter, and how do you help clients address them?

Relationships are what drive much of the business, and they are never static. Decision influencers and makers starting with music creators and extending to managers, agents, lawyers, accountants, recording companies, publishing companies, and especially fans are many times not in sync with each other. These often-competing factions may involve different business and creative agendas. This reality can create disagreements and conflict that may remain private or become public but either way, may inform the success or failure for all parties. For me, as an artist lawyer, all I can do is be proactive about educating my clients on the reality of the industry to assist them in making the inevitable, executive decisions that they must. Otherwise, someone else will make it for them.

6. What is one of the biggest misconceptions in your industry?

I think one of the biggest misconceptions in the industry is that the music business is glitzy, fun, and that everyone is making money. In reality, it's like most businesses in that it is very competitive, and everyone is just trying to make a living. It certainly is a somewhat magical business—because it's about music—but there is no formula for success

other than talent, timing, luck, and perseverance; this goes for lawyers as well. But fundamentally, it's an unpredictable proposition with full-time and long-term success being more unlikely than not.

7. How do you see the regulatory landscape for competition law evolving in the entertainment industry, and what implications might this have for artists and businesses?

The corporatization of the music business has evolved the industry from its earliest iteration as a somewhat wild and sketchy enterprise to a more conventional business model. Accompanied by the music industry's increased ability to track digital data and metrics, the application of corporate, intellectual property, and regulatory laws has made the business more transparent and cleaner. There is more objective data, measurements, and ultimately, accountability. However, the overall culture of the music industry remains very unique when compared to other businesses.

8. What is some advice you would give to law students interested in working in your field, and what are some action items they can execute now to stand out?

To be an entertainment lawyer, you must first become a licensed attorney. So, for now, students should be diligent and immersed in law school academics and do the best they can. This will create the most opportunities. Students can't do law school over again. Participating in entertainment law related extracurricular activities is OK, but don't allow them to distract from academics. Law firm and judicial clerkships are good, but they are limited and not necessarily required for success. Remember that serious vocational lawyers don't become less smart or less talented after law school. Quite the opposite actually. Look for opportunities that create opportunities and take them. Prepare to find and follow your vocation with determination and persistence. You may even end up in an entertainment or other legal field that you did not anticipate.