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## Show (and Tell) Biz: The People and the Stories Behind the Performing Arts

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# Show (and tell) biz

*The people and the stories behind the performing arts*

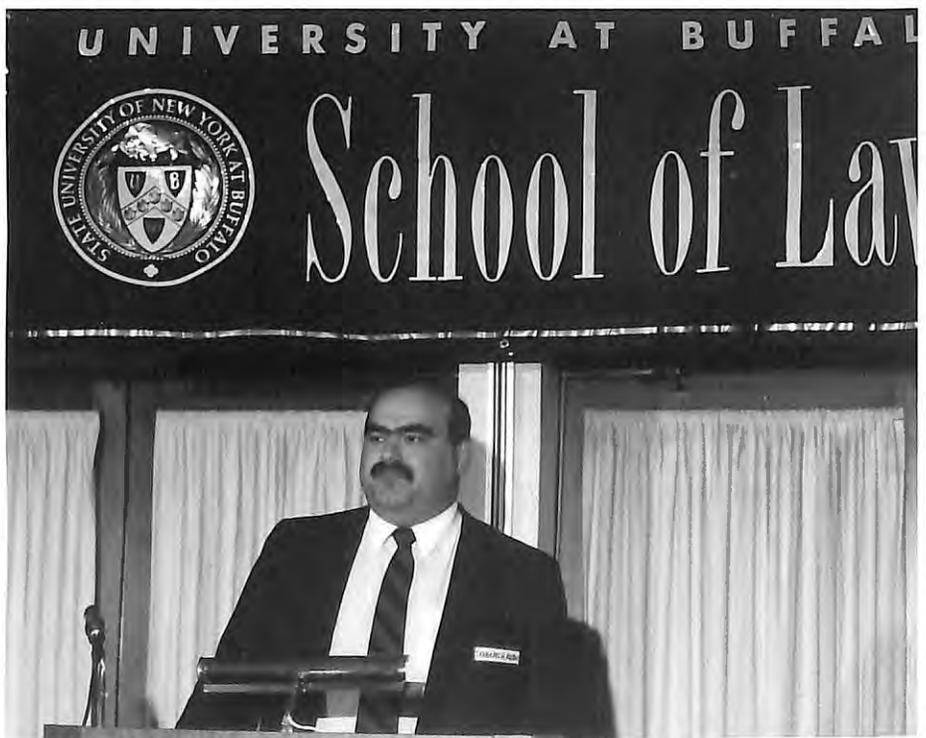
A producer who worked his way through college by playing Mickey Mouse at Disneyland. Two entrepreneurs who made the giant leap from amateur actors to running a professional theater company. A video maker who found herself negotiating with a Native American tribal chief at the rim of the Grand Canyon. A professor and television personality who says everyone from lawyers to accountants needs training in the performing arts.

That was the varied cast of the Buffalo Entertainment and Sports Law Society's fall symposium, held on Nov. 13, 1997. A gathering of students and others heard five panelists discuss the challenges and the rewards of working in an area of practice unlike any other in our entertainment-saturated society.

It was informative, it was enlightening – and above all, fitting to the group's subject, it was entertaining.

When Douglas H. Kern and Elaine Roberts first met, both played active roles in the Western New York theater scene. They began talking, and realized they had a common dream of taking their involvement to the next level. The result was a partnership in Stage Struck Productions, a producing organization that specializes in musical theater. Stage Struck was formed in 1990 – though not, Kern noted, without a good bit of legal counsel along the way.

"One underlying factor that led us to seek legal help when we were forming the company was that we wanted to protect our personal assets," Kern said. "After we weighed all our options we decided to become a straight for-profit corporation. At the time, I was totally unaware of how much is actually involved in trying to incorporate here in New York State. There was stuff we



*Douglas H. Kern of Stage Struck Productions*

never dreamed we would ever get into but that we needed to do to protect our own interests and the interests of the company."

Since those first days, Kern said, their attorney has had to deal with such issues as a UB student group that unknowingly called itself Stage Struck. After receiving a quick letter from counsel, the group picked a new name.

And there are personnel issues aplenty, he said. "It takes a good 30 or 40 people to put on a production, including cast and crew, and we are probably on the light side. When you are dealing with that many people, you really want to start

protecting both your interests and the interests of the people you work with.

"We had our attorney draft a contract detailing what we expect from them as individual contractors, and what they can expect from us. You want to get everything spelled out so there are no surprises."

Elaine Roberts, his partner in Stage Struck, said: "We decided early on that Doug would handle most of the business end, and I would handle most of the artistic end. I love dealing with actors. I love the spark, I love the creative energy they bring to my life.

"We structured the business as an

equal partnership, much to the chagrin of our attorney. But it works for us. It has turned out to be a partnership of checks and balances."

Roberts said theirs is a strange mix of specialties, but a necessary one. "Art and business – oil and water, or they can be," she noted. "Business needs to understand and accept the free form that art takes, unlike the more restricted form that business takes. Without business, art will wither and wilt."

"Much like a marriage, in order for a theatrical production to survive, you must have passion, commitment and mutual respect. We have committed ourselves to putting out the best product at all times with the resources that are available to us. We don't try to be something we're not. We just want to be a respected part of the theater community that can contribute culture and education to Buffalo and the surrounding communities."

Carol Doggett, owner of the video production firm Video Resource Associates, told the gathering about the intricacies, including the legal ramifications, of her work. Her company produces everything from television and radio commercials and infomercials, to product videos, to entertainment for the home video market.

How does the law figure into such work? For one thing, she said, obtaining permissions. "As a producer for hire I secure permission to use materials – talent, music, lyrics, location, stock footage. Anything you don't produce yourself, you have to be very careful concerning who owns the rights to it."

Then there are location fees. It was in this area that she found herself negotiating with a Native American tribal chief, in the course of making a TV commercial in which a Jeep stopped at the edge of the Grand Canyon. The location they wanted was on a reservation. "We didn't know exactly how much we would pay for the use of the location until the end of the day, when the chief came out and talked to us," Doggett said. "And, of course, we were in a sovereign nation – there was no law that applied."

"And a lot of times it means making sure my client gets some insurance. If you go out to do a shoot and it rains, it could very well cost you \$25,000 to bring

your crew back another day. It makes sense to purchase weather insurance for \$5,000."

In the area of infomercials – those half-hour or hour celebrity vehicles designed to sell exercise equipment or kitchen gadgets – Doggett noted that production costs are only the beginning. The marketer must also buy substantial air time. She shared a surprising fact: Air-time rates for Buffalo television stations are the second-most-expensive in the nation. The reason: our proximity to that major market just across the border, Toronto.

It was Brian J. Wyatt, now executive director of Buffalo's Studio Arena Theatre, who worked his way through college playing Mickey Mouse. That was only one of many entertaining anecdotes he told of a life in the performing arts.

Dealing with union issues, Wyatt said, is a big part of the job for theatrical producers. There are 17 professional arts unions in the United States, he said, including those covering broadcast engineers and technicians; opera and dance performers; movie actors; movie extras; truck drivers; theatrical press agents and managers; ticket takers; hair and wig artists; stage crew; set and costume designers; musicians; stage directors; and choreographers. "There are a lot of attorneys who are dealing with all of these unions and their members and the relations between them, and with people like me who engage them."

As well, he said, there are issues of literary and intellectual property rights, commissions, co-production agreements – and issues involving the theater building itself. "A theater is one of the most dangerous places in the American experience," Wyatt said. "Things are moving all the time, and there is a lot of darkness. There is a lot of injury litigation."

Studio Arena, with a staff of 60 people, employs 140 artists each year, he said. He urged the law students to be open to all possibilities, noting, for example, that there are only seven major film studios in Hollywood, and legal jobs there are not plentiful. "If this is something you are really interested in doing, Hollywood really can be a wonderful place. But I also know great folks in Atlanta and Chicago and New York who

represent terrific artists and have their best interests at heart – and that is a wonderful thing."

Passion was on the mind of Drew Kahn, well-known in Western New York as the co-host of "A.M. Buffalo" on WKBW-Channel 7, an ABC affiliate, and also a part-time instructor at Buffalo State College.

"What I learned in graduate school, and what I learned before that from a mother who is still an incredible hero to me, is a passion for the human condition and a passion for people. People never cease to amaze me," Kahn said.

"Theater really is the Renaissance of disciplines. It is where I thought I could really teach people how to attack life ... I often tell people, if you are going to be an accountant, take a theater class. It will make you a better accountant. If you are going to be a lawyer, take a theater class. (That isn't as big leap, I guess.) Acting is all about human behavior."

Don't be fooled into thinking that those kinds of skills are the exclusive province of performers, Kahn said. For example, he cited "the agents, the managers, the lawyers, that group of people on the business side of entertainment and sports," and said: "There are a lot of good ones who are trained and educated, but the great ones, the magical ones, those are the ones who not only are trained and educated but also have a passion for the human condition. It always comes back to that."

He noted a welcome trend in show business toward "goodness and morality," citing, for example, Bob Keeshan. When "Captain Kangaroo" appeared on "A.M. Buffalo," he was "really teaching kids that it is cool to be good." By contrast, a marginal performer like Pauly Shore, Kahn said, turned out to be entirely self-interested and his appearance came with a long contract specifying, among other things, that the interviewers couldn't ask him about comedy, because he wanted to be known as a serious actor. "As a result," Kahn said, "it was a terrible interview."

Kahn was at home in a room full of lawyers and would-be lawyers. "I'm from a family of lawyers," he said. "Until recently, my mom was very upset that I wasn't one."

"Now I interview them." ■