

Litigators Recall Representing Prince, a Client Like No Other

Brian Baxter, The Am Law Daily

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Prince, the legendary singer, songwriter, producer and man of myriad other talents, died Thursday at 57 in his suburban Minneapolis home. The eclectic pop icon kept a bevy of high-profile lawyers busy during the past three decades.

A seven-time Grammy winner, at the time of his death Prince had a net worth of some \$300 million, the proceeds from a career that saw him sell more than 100 million records. Prince developed a somewhat complicated relationship with the Internet, and fought to protect his brand and music against unauthorized use. And for that he needed lawyers, lots of them.

“Prince was a target for commercial suits,” said Michael Elkin, chair of Winston & Strawn’s copyright, entertainment and digital media practice. “He was also frustrated by the proliferation of the Internet.”

Elkin said he handled some of the first suits filed in the mid-1990s against websites on behalf of Prince, a fierce copyright defender whose music is hard to find on streaming services or Google Inc.’s YouTube. Elkin would travel around the world representing the rock star in more than 20 cases between 1995 and 2004, an era when the increased prevalence of online music began encroaching on the earnings potential of many artists. And Prince, after all, was “The Artist.”

In 1993, Prince changed his name to this unpronounceable character, a combination of the symbols for male and female. The difficulty in writing or printing what would become known as “The Love Symbol” was particularly vexing for Prince’s lawyers seeking to file briefs on his behalf.

Sharon Mayo, a longtime commercial litigation partner at Arnold & Porter in San Francisco who is now senior counsel at the firm, represented Prince in a dispute shortly after he ditched his name and became The Artist Formerly Known as Prince. The adoption of the symbol presented a problem for caption pages on court filings.

“This was before the advent of off-the-shelf drawing software, and one of our secretaries had to hand draw and then photocopy his symbol onto the caption so that we could tell the court who we represented,” Mayo said in an email.

The Artist certainly had his eccentricities. At times, he stopped paying his lawyers.

In 2010, Los Angeles-based entertainment boutique McPherson Rane sued him seeking \$50,000 in unpaid fees. The following year it was New York-based Am Law 200 firm Patterson Belknap Webb & Tyler who filed suit against Prince Rogers Nelson—his legal name—over another \$708,687 legal tab.

“[Prince] could be a challenging client—he wanted perfection,” Elkin said. “But he was a creative genius, and he would use his brain to think of new and inventive ways to challenge his lawyers.”

Elkin admitted that he didn’t always heed Prince’s advice. And when he didn’t, Prince, whom Elkin called a “highly responsive” client, wasn’t shy about letting him know.

“He would say to me, ‘Michael, if you were in my band, I’d tell you that you’re playing the wrong tune,’” said Elkin, a former vice chair and litigation chief at now-defunct Thelen who in 2007 joined Winston & Strawn, where he currently heads the firm’s New York office.

Prince’s displeasure would sometimes manifest itself in other ways.

Elkin recalled once being urgently summoned in the middle of a snowstorm to Prince’s Paisley Park Studios outside Minneapolis in Chanhassen, Minnesota. Rather than basketball and pancakes, Elkin said Prince brought him to a conference room for what turned out to be a three-hour tirade against the U.S. judicial system. Then he was free to return to New York.

“You can go now,” Elkin recalled Prince saying shortly before he left.

Prince rarely called Elkin at work, but one time he did, and Elkin, then at Thelen, thought another lawyer in his office was playing a prank on him.

“I get a call from someone who said, ‘Hello, this is The Artist,’” Elkin recalled. “And so I respond with, ‘Go fuck yourself.’ This went on for a minute or two before I realized it was actually Prince on the phone. I apologized profusely—I was so humiliated and embarrassed—but Prince just went on talking. And then he just hung up. He never said goodbye, he’d just hang up.”

Elkin remembered Prince inviting him to a 1996 release party in New York for his “Emancipation” album, the rock star’s first after his hard-fought separation from Warner Bros. Records Inc. (Both sides would make amends in 2014.) The litigator had only pin-striped suits to wear—not suitable for an occasion honoring a man who from time to time would “purge the suits” around him in favor of more creative individuals, Elkin said. So he hired a last-minute personal shopper to outfit him for the festivities.

It was a success—one of Prince’s handlers later called to say he thought his lawyer looked “cool” that night—although Elkin is still too embarrassed to admit how much he paid for the sartorial help.

Elkin’s role representing Prince began with a referral from a longtime entertainment industry transactional lawyer in Los Angeles named Gerald “Jerry” Edelstein, who now has his own firm, Edelstein, Laird & Sobel. (In December, singer-songwriter Dolly Parton made a public plea to get Edelstein a kidney transplant.) In New York, Elkin often worked with William Leibowitz, another entertainment lawyer who advised Prince and wrote a widely praised self-published book in 2014.

“We spent a lot of time in the courtroom,” said Elkin of Prince, noting that besides defending his client in depositions or his various copyrights, he also handled contract disputes and advised the singer’s companies, including doing some personal injury work related to Prince’s chain of Glam Slam nightclubs. And then there were the assignments that came from Prince’s entourage, like helping out a stepbrother after he got in an altercation with his ex-wife at a club.

Elkin, who has done legal work for other legendary musicians, including Billy Joel, Bob Dylan and James Taylor, said that as his practice transitioned to more institutional clients, he and Prince went their separate ways. In recent years, even after he no longer represented Prince, Elkin said he could always count on The Artist to hook him up with backstage passes to a show if he was in town.

“Representing artists is tough, because you don’t always know who your client is,” Elkin said. “They’ve got business managers, promoters, the transactional lawyers, a wife or a husband—there’s just a lot of competing agendas around them. I will say that Prince was different in that you could always get ahold of him. And sometimes he didn’t need to say anything—he’d just look at you, and you would see these paragraphs of communicative thought.”

Other firms such as Davis Wright Tremaine, Fox Rothschild, Greenberg Traurig and Kaye Scholer have also done work for Prince over the years, but lawyers at several of those firms did not immediately return requests for their recollections representing Prince. Elkin credited L. Londell McMillan, a former Dewey & LeBoeuf partner who mentored an attorney to another late musical icon, with being another one of Prince’s trusted advisers.

“It’s a shock that such a vibrant performer and icon in the music world has left us, when he clearly had so much music left to share,” added Arnold & Porter’s Mayo in her email. “I’m going to have to dust off my old vinyl tonight, and raise a glass (and a BIC lighter) to one of my favorite artists.”

A cross-generational musical talent, Prince was inducted into the Rock and Roll Hall of Fame in 2004. At the end of that ceremony, in a tribute to the late George Harrison, Prince nearly fell off the stage during a two-minute guitar solo to close out a cover of The Beatles’ “While My Guitar Gently Weeps.”

Prince’s stunning performance, one of many in a long career of amazing displays, was even more impressive considering that he later claimed to have never heard the song until a few days before during rehearsal.