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## PROFILE

### Attorney Profile

By Andy Kaufmann



### Shoshana Zisk

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**"I'm about working with artists who are self-empowered and ready to connect directly with their fans, without having a major label in the middle."**

**Background:** A piano player and classical musician in her own right, Shoshana Zisk has devoted her independent law practice to clients who are musicians, too. Specializing in copyright law and helping performers establish independent labels, Zisk's talents have been utilized by Island Records, Motown and BMG. For four years, she was George Clinton's business manager, during which time she reacquired the rights to four Funkadelic masterpieces. In addition to these accomplishments, Zisk founded Kiddie Village, a record label and video boutique devoted to children's media.

**Going Solo:** I worked for a few firms doing litigation. After I left BMG Latin, I started doing commercial litigation. Then, I moved to San Francisco and worked for a firm that represented Bill Graham Presents. In 2001, I became my own attorney. [I like] the flexibility and freedom in having my own office, especially now that I'm a mom. It allows me more control over the type of work that I'm doing.

**The Advantage To Being Both A Manager And An Attorney:** At this point, I'm not managing any acts. I've taken on a really big project that is taking about 20 hours a week, so I don't really have time right now to dedicate to managing. But once that project is over, I'll be looking for other things. There's always some legal question, so it's great to be able to stop and ask myself. Say we have to hire a photographer to do artwork -- the photographer's going to send me a contract. If I'm not an attorney, I'm going to say, "I need to send this to an attorney." But since I am an attorney, I look at it myself. It saves a lot of time.

**Running George Clinton's Sub-Label, The C Kunspruzhy:** [Clinton] wanted to put out records and it had always been my dream to start an independent label. He is always creating music, so it was a way to have my dream come true. We released some of the music from his archives and then we put out solo albums from some of the girls in the P-Funk group. The last record we put out together was a solo George Clinton Parliament-funkadelic double album. We coordinated this really big event in Los Angeles, the Chili Peppers opened for us and it was spectacular.

**Acquiring Royalties:** The challenge [of dealing with Clinton's copyrights] was the enormous amount of litigation we were dealing with, all the history and documents. I got him paid on a lot of stuff he had never been paid on or hadn't accounted properly. He'd never received a check for *Atomic Dog* -- he was being told that he was unrecouped, which was B.S. It took some time, but I was able to sort it out. You have to be persistent, very knowledgeable and able to go through the statements. It's not a priority for anybody to have to pay; it's always a priority for the person who wants to collect.

**Indie Love:** I love working with indie labels, making business plans and implementing them. That's been my whole thing. I think that right now is a wonderful era for artists. When I first started my career as an attorney, the only option for an artist was to convey their copyrights to a label and hope they get noticed. Now, there's so many other ways to get your music to fans without signing away everything. A lot of artists are starting their own labels and getting support without having anyone in between. So that kind of my mission: to get as many artists as (possible) self-sufficient and using the tools that are available to them to be successful.

**Label Creation:** When artists come to me, they want to make sure they're [establishing their label] properly. If they have music, they want to copyright their songs and if they have a logo they want to trademark it. If they have other people in the band, they want to have agreements with those people in writing. Those are all wonderful things to do when you're getting set up. Another thing they can do is get a reseller's license, so they don't have to pay sales tax when they have their CDs printed. [I help artists with] all these little things. From there, there are usually a lot of questions about digital distribution and general business advice. I'm not just a scholarly attorney -- I've put out a bunch of records, so I can say from experience, "There's no reason to reinvent the wheel in terms of your business practices. You *should* be reinventing the wheel with your music."

**Starting a Label On Your Own:** You can definitely [establish a label] without an attorney, but you end up having a lot of questions. A lot of times, there are long forms you have to read and things you have to fill out. If you're not used to that kind of stuff, it can be confusing. So, If you're not really sure, it's better to ask.

**Motown Records:** That experience was probably the best time of my life. I was commuting every day to PolyGram and going to all the parties. I was in the copyright department and did Harry Fox licensing. There's a lot of mystery around copyright and licensing, even for educated attorneys, so I got a good education while I was there. I'm able to help people when they come with copyright issues and things they want registered or licensed.

**Sampling:** Sample clearance is still a big problem. A lot of people are studying it and thinking of different ways they can implement [the law], because there appears to be an imbalance between the rights of creators and the rights of copyright owners. The sample clearance process is definitely not easy.

**Attorneys Who Shop Demos:** That's not what I do. I'm about working with artists who are self-empowered and ready to connect directly with their fans, without having a major label in the middle. Attorneys who shop demos are usually in New York or Los Angeles and have strong relationships with A&R reps at the major labels. It's almost impossible to get attention from some of these attorneys. If you really want to go that route, it's good if you've started your own label and can say, "I've sold 10-20,000 records and have my own established fan base." If you do that, then it's much easier to get the attention of an attorney or manager who will take you to a major.

**Come To An Agreement:** If you're going to create music with other people, you should work out agreements so you can manage expectations. It's always difficult, especially when there's money involved, to negotiate things after the fact. Work that out as you're creating the music, instead of just saying, "We love each other and it'll all work out," because circumstances change.

**Contact An Attorney When You're Ready To Get Serious:** What a musician should do is sit down and start making plans. And then, if they're not sure how to make their plan, they can contact an attorney, but realize that the attorney is going to charge. The other thing an attorney can do is introduce you to somebody who can help with digital distribution.

**Self-Promotion:** If somebody is motivated to start their own label, they should take a look at all the services that are popping up every day online. If you become an early adopter, a lot of times that music service will promote your band, because it promotes them. So new bands should become involved in as many as possible.

