

**Culminating Experience:  
Looking at the Music Industry  
Through the Lens of the Law**

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Reflection Paper

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## I. Summary

As a Master's Candidate for a degree in Music Business and Global Entertainment, it is my honor to present the project I have been working on and toward during my year at Berklee Valencia. For the duration of the spring and summer semester, I have been participating in an Externship with Frascogna Entertainment Law, located in Jackson, Mississippi. The Externship as a Culminating Experience is designed to provide the company with valuable work products and advancements, in exchange for contributing to the student's educational and professional development. As a future legal professional, a partnership with a law firm was a natural choice, and I was partnered with Martin F. Frascogna, who served as my boss and mentor throughout the Externship. The set-up of this project was such that we had weekly meetings via FaceTime, in order for me to provide a report of the past week's progress, success, and hiccups. Martin assigned weekly task lists, which I would complete to the best of my ability.

Outside of these meetings, I was encouraged to solve problems on my own, and seek help when necessary, the firm's goal was to teach an entrepreneurial mindset of solving problems creatively. Most of the tasks to complete were not time-sensitive due to the seven-hour time difference, but on occasion it was required to work on a tight turn-around time. Throughout the semester working with Martin, I experienced a variety of projects that Marty was involved in and was able to dip my toes into each one to get a feel for what the job was like. As is natural for a first-timer, not everything went perfectly, but overall it was a successful partnership.

Working with Marty was an experience that has helped shape my educational development in the G.E.M.B. program as well as helped define my professional goals. Through this partnership I have learned that being an Entertainment Lawyer is a multi-faceted job, and it requires a deep understanding of many aspects and job functions of the Entertainment Industry in conjunction with a complete legal understanding. This has, in turn, solidified my conviction to pursue this career path, and a part of that I owe to Marty.

## **II. Initial Expectations**

Before beginning this project with Marty, I made a list of initial expectations and hopes in order to track my progress and the alignment with Frascogna Entertainment Law, as well as compare thoughts before, during, and after the process. These expectations were based upon my loose understanding of the work Marty regularly completed along with my assumptions about Entertainment Law. They were as follows:

- Gain knowledge about acting as a business manager and/or manager for artists in the music industry
- Learn how to secure and solicit sponsorships and endorsements
- Understand the language of contracts and the process of red-lining and negotiating
- Be of significant assistance/value to Marty in aiding with new client referrals, using my network of contacts, putting more time and effort into select projects than would otherwise be possible
  - Develop my communication skills
- Observe the way the music industry functions through the lens of the law

-Be involved with contract signing and disputes

Quite honestly, I had high expectations. As a person who enjoys learning, and desires to know everything, I was ready to ingest and soak up any piece of information I could discern from my experience working for Marty. In retrospect, it was unfair to make any assumptions, but useful in helping me now gauge the outcome of my externship.

### **III. Results: How the Project Did and Did Not Align with Expectations**

As far as my expectations went, most were met. I absolutely gained *knowledge about the business management of artists, developed my communication skills*, and succeeded at *observing the functionality of the music industry through the lens of the law*. Of those three things I am sure. I developed some new hard skills in terms of *endorsement work*, became slightly more *familiar with contracts*, and was, I think, *an overall asset*, allowing Marty to focus less on the small necessities and more on the large opportunities. I was unable to participate in any actual *contract signings*, as I do not have the qualifications to do so on my own, and the geographical difference made this process difficult to align.

I learned quite a lot about securing endorsements and sponsorships. With this, however, one of the largest skills I learned was how to cold email people, and also that you often fail or get zero responses in this portion of the job. It is difficult to capture and build the interest of major companies such as Nike or

Adidas with an artist who has not yet reached superstar level. So, I had a lot of experience with un-returned emails, and only minor success with securing actual alignments. In the same vein, I alone was unable to see any of the partnerships through to the end, instead I turned it over to Marty, as we did not want to spoil the opportunity and thus lose the partner. This was slightly frustrating because I like to understand exactly how things work, and what tactics and language Marty used in order to get the company hooked into an official agreement.

Those small disappointments aside, I learned an incredible amount about how to sell an artist and how to use their numbers to make them look attractive in the eyes of almost any company I could think of. It is a matter of positioning your pitch well, and Marty helped me develop a much better hard skill in this area.

In the realm of contracts, I felt torn about my experience during this partnership. I jumped into this externship incorrectly thinking that I truly had enough legal knowledge to intellectually understand everything Marty would throw at me. My, how I was wrong. After receiving the first long-form contract to review I realized I was in deep and needed to step back and take my time reviewing and trying to understand and break down the information in front of me. This was entirely ego-driven, however, the expectation of immediate understanding. Marty did an incredible job mentoring me through the process and answering all questions I asked to the best of his ability. I read and underlined and studied more than ten contracts ranging from two pages to sixty pages. This was helpful in terms of familiarization with language, style, and content, but I still have

many questions. As this externship was not set up to be a mentoring program, there was no requirement for Marty to take the time to teach me at all, so even though it did not align perfectly with my expectations, it would be incorrect to assume that I did not benefit from or enjoy the learning experiences.

Part of the overall goal of this externship was to provide a company with a free employee; someone who could help the company grow, function more efficiently, or help solve a problem. In this area, it would be better served to speak with Marty to see if I was an actual asset. In my opinion, I was able to complete many time consuming tasks that, in turn, helped Marty out greatly. On the other hand, he put a lot of time and effort into teaching me, and coming up with projects for me to work on in order to be involved with as many different aspects of his day -to-day life. It could only be for him to say whether or not the amount of assistance I provided was worth the time he invested in me. Regardless, I do feel as though I was an asset.

Something I was never involved in was the actual signing and finalization of any contracts. This is an activity I am sure I will be a part of many times throughout my career, so I was hoping to get a jump start on gauging the atmosphere of the situation including the attitudes and rapport of the parties involved. Understandably, it would have been impossible to be there physically, but it would have been beneficial to have even been on speakerphone. So this was the only expectation not met by my externship with M. Frascogna. Excellent odds, I might add.

All of these experiences came together to give me a great view of the music industry through the lens of the law, which was the ultimate expectation. I went into this with merely one course of study in the law under my belt, and I came out with the understanding that the role of an entertainment lawyer is not just about contract management and billable hours, but about a full-on ability to manage an artist's business, deciding when to make investments, when to back off, and when you've done your job fully and to the best of your ability.

#### **IV. Process**

The process we used throughout our partnership was in constant evolution. As it was Marty's first time with a proper Berklee extern, we were in constant communication about how the process was functioning, and both very open about what worked and what didn't.

First, let's go back. I secured this externship thanks to our program director, Emilien Moyon. When I approached him to explain my interest in pursuing entertainment law he immediately suggested, and practically insisted I connect with a lawyer named Martin Frascogna – Berklee Valencia's American Ambassador, as it were. This simple connection turned from a Skype call into a great working relationship, which is likely continuing into the future after I have graduated from this program.

We began our process by first setting up the previously mentioned weekly FaceTime calls. This became an absolutely integral part of the partnership, as it allowed us to break down any issues or concerns and mold the externship to the parameters that suited us

both the best. During these meetings, I would first report to Marty about what I was able to accomplish during the past week, and then he would answer any questions I had, and then he would lay out the next week's task list. This was a good opportunity to discuss the workload, and whether or not the externship was working well for both parties. This was the process throughout the externship, and we just fine-tuned it and tailored it as necessary.

#### **V. Contribution to Educational and Professional Development**

My Culminating Experience contributed significantly to both my educational and professional development. Within the Global Entertainment and Music Business Program, it was specifically pertinent, helpful, and complimentary. It allowed me to put into practical use the skills and information I had been learning throughout the program. In terms of professional development, it was equally, if not more beneficial, because I could more realistically envision my probable, and now certain, future.

My interest in the idea of doing an externship with an entertainment lawyer was triggered by my experience in the Entertainment Law and Contract Management course. I found the teacher engaging and intelligent, and realized that I had an aptitude for the content. Thanks to the encouragement from Berklee, I chose to pursue this newfound interest, and develop it into my Culminating Experience. Thus I used my experience with learning about Contract Management as I looked over contracts for Marty, continuing my skill development beyond the classroom. I also used my knowledge about copyright in trying to understand the basis on

which new cases that came along, or to unpack issues regarding Spotify and copyright infringement. I was also able to use my experience working with a Contemporary Performance student to prep me for some of the issues artists needed clarified. It allowed me to feel comfortable with some of the content, even if I did not yet know how to navigate the solutions.

In tandem with what I had already learned in the fall semester, the Record Practicum experience was a sure compliment to my externship. Acting as the head of legal for the student-run record label, I became ultimately responsible for taking care of legal issues for the artists we were trying to sign as well as for the record label itself. Interestingly enough, I also ended up working with the Berklee Administration in this role, increasing the value that I got from Berklee to add into my skill set, and ability to do my job for the externship, and thus my educational development. On the other hand, the tasks I was completing for Marty helped further my development within my courses, thus creating a mutually beneficial arrangement.

Collectively with my coursework, the guest lectures we had as part of the Music Business Seminar gave me valuable insights into the real problems within the industry for which a lawyer would be necessary, and also proved the multi-faceted role that an entertainment lawyer plays, and allowed me to imagine where I may be able to insert myself in the future as an asset for various companies based on what I have learned from the combination of Berklee and my externship.

Each week progressed and I became more comfortable in my dual role as student and employee, applying courses to work, and work to courses, as I learned more about the industry and how to apply multiple levels of skill to my externship. I found that this externship was one of the top aspects of my year here at Berklee as it truly allowed hands-on experience, and even opened a door into further collaboration, as Marty and I have been talking about continuing to work together.

## **VI. Next Steps & Conclusion**

"Esse quam videri," is Berklee College of Music's motto, and is translated as "to be, rather than to appear to be." This is an apt description of the school's mentality, and the Externship program specifically. It is not just about learning, but about practical application. The ultimate goals of the G.E.M.B. program are to further our education and thus, help us secure a job. There is not a more perfect way to illustrate these goals being achieved (in my opinion) than by looking at the way my externship was begun, executed, and wrapped up. It started as a vision that appeared to be possible, then I began working for Marty and the vision became reality, and now that it has concluded, the externship and the work "was", it did not "appear to be".

The largest takeaway from this experience was a far better understanding of the role of an Entertainment Lawyer. It is not just a matter of sitting at a desk and red-lining contracts. It is not about placing yourself above your client and exploiting them for money. It is not about billable hours. It is about developing a

business relationship with your client. It is about investing in talent. It is about breaking down the perceived barrier between lawyers and artists. I realized that each and every skill I already possess combined with those I have learned during this past year, have come together to form the perfect basis for pursuing a career in entertainment law. All is meant to be built upon and expanded, and working with Martin Frascogna taught me just that. It showed me the versatility necessary to thrive in the music industry.

It would be wrong to speculate about what the next steps would be, if the externship were to go on longer, because I am lucky enough to be continuing my work with Marty in some capacity. We have had a professional, communicative, and positive relationship throughout this experience, and he is currently trying to figure out a way to continue working together, building the position of a 'remote law clerk' within his firm. With that as the final proof of how effective and beneficial this experience was, I bid you hasta lluego, Berklee Valencia.