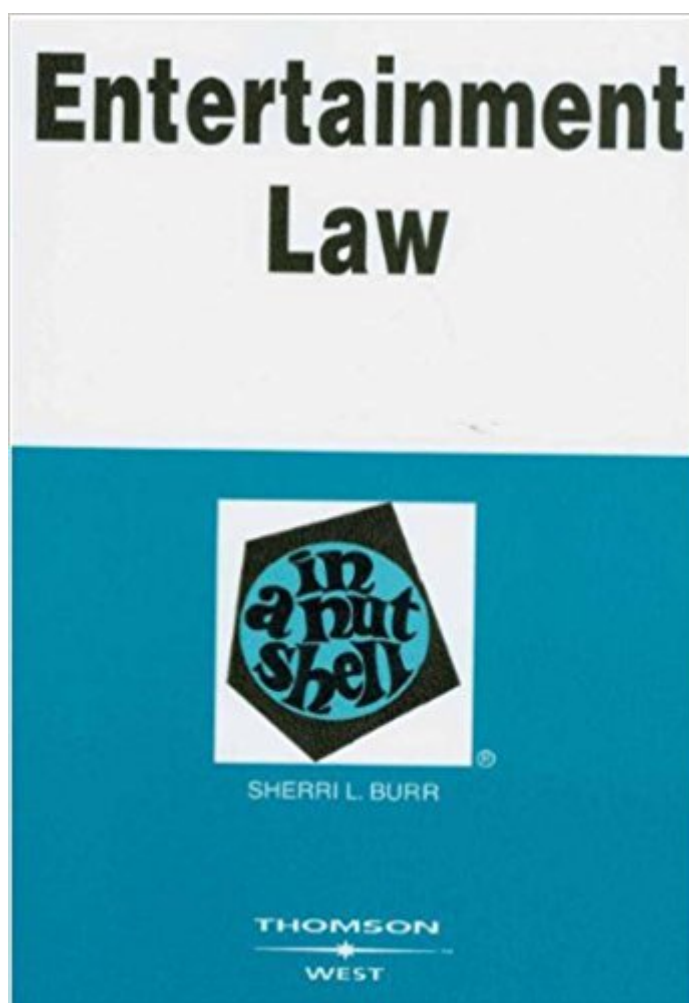




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Burr's Entertainment Law In A Nutshell, 2d (In A Nutshell (West Publishing))



Synopsis

This concise title provides a basic but comprehensive survey of entertainment law. This compact reference gives a big picture overview of the intellectual property, contract, publicity, estate planning, and First Amendment issues that contribute to the fi

Book Information

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Customer Reviews

Sorry, I can't agree with the previous rave review. The book focuses mainly on the movie, TV and music industries. Sports, theater, and, for the most part publishing and electronic gaming are ignored (though of course some focus is to be expected in such a short book). The point of view tends to be that of an attorney representing talent, rather than representing a producer, a studio, an investor, etc. Prof. Burr's choice of emphasis is odd in many places. For example, she spends 10 pages discussing the privileges and perils of celebrity. Aside from mentioning that Kobe Bryant, Robert Blake and others have been involved in criminal cases, there isn't any mention of legal issues; it's more like a rather tame piece of tabloid journalism. As a result, it seems as if chunks of her book are intended for a popular audience, rather than the typical Nutshell audience of law students or practicing attorneys. The legal content is very haphazard. If you weren't aware of guild

agreements or music performance rights societies, you can learn about them in this book. Prof. Burr introduces some collateral topics such as bankruptcy and trusts and estates law when discussing how entertainers squander their wealth (though to be accurate, she discusses celebrity bankruptcies, rather than bankruptcy law). On the other hand, entertainment finance and the related securities and corporate law issues never are mentioned. Yet movie lawyers, at least in L.A., actually tend to be quite sophisticated about these topics. Completion bonds aren't discussed at all. TV syndication is mentioned only in passing. The rights of publicity and privacy are discussed only in the context of celebrities - though they apply to ordinary folks too. If you're buying someone's "life rights", or want to shoot a documentary or publish an interview, you might not know from this text that you need to worry about these subjects. (In addition, the description of the Eastwood v. Superior Court case (Calif. Court of Appeal 1983) concerning the "right of publicity" is slightly misleading. This right is characterized as a "property interest ... grounded in state statutes, common law, and the federal unfair competition act" (p. 288). In California, the common law right is a component of the right of privacy and is definitely NOT a property interest. Nor is the original California statutory right (Civil Code Sec. 3344) a property right, as the heirs of Bela Lugosi found in a famous case. After that decision, the California legislature passed Civil Code Sec. 3344.1, relating to knowing violations of the right of publicity of a deceased person; it is only this statutory right that is a property right.) The chapter on entertainment contracts is especially scattered. The movie section has a good discussion of case law concerning "pay or play" provisions, but then jumps around. There's a long discussion of publishing contracts, though the publishing industry isn't mentioned anywhere else in the book. The concept of "turnaround" - one of the great IP inventions of entertainment lawyers - is mentioned only tangentially (as a writer's right of reacquisition) and in a different part of the book; you'll never find it in the scanty index. Generally, contracts are discussed in terms of case law, rather than in terms of the documentation customary in typical deals. This point of view may be helpful for litigators, but definitely isn't a deal lawyer perspective. A last chapter on globalization mentions piracy in Thailand ca. 1992, but has nary a mention of China (book was written in 2004). Localization, local content requirements and international distribution issues aren't addressed at all. The book is also marred by bad proofreading and bad editing, with chunks of text being repeated verbatim within a few pages of each other (e.g., compare p. 227 with p. 244, and p. 246 with p. 247). In lieu of this book, I'd recommend you consult a "legal issues for laypeople" type of book that focuses on the particular industry you're interested in, such as Mark Litwak's books or Erickson et al. for the movie business.

This book is terrible. Don't buy it. In order to review for the final exam of a law school course in Entertainment Law, I bought this nutshell. Not only does it seem to be the only existing book suitable for such a purpose, but it happened to (allegedly) be written by the author of the casebook we used in my course. In the past, I have found it helpful to procure a supplement written by the casebook author. However, there are three reasons why this book was a complete waste of money and time. (1) A lot of the information in this book was oversimplified, or even simply inaccurate. I am a 3L, and have studied for a lot of exams over the past two years, so I have some idea of what a supplement should be like. If you relied on this supplement, you would not get a good grade. Its summaries of cases often leave out rather important aspects. For example, many of the cases in the book involve complex procedural issues, or cover numerous points of entertainment law - but then the summary in this Nutshell will just touch upon one aspect (and not necessarily the most compelling aspect) of the case and ignore all others. Also, and perhaps most galling, some of the summaries are plain wrong. I don't mean I caught a mistake here or there - I mean that halfway through studying for my exam, I had to stop referring to the book entirely because of the significant number of errors. It was a waste of time to constantly have to confirm what the nutshell said, or try to figure out what it was attempting to communicate in light of my class notes and the casebook. Beyond that, there was not *one single instance* where this book clarified or simplified something for me. Other reviewers have noted some errors, so I will point to a different specific example. Discussing *Main Line v. Basinger*, the Nutshell concludes that the actress was "ultimately held accountable" for breach of contract. However, the decision included in the casebook is an appellate court decision that *overturns* a lower court decision against the actress, and in fact orders the film company to pay her appeal costs. Wondering if the Nutshell was referring to something that had happened later, I ended up having to find out from Wikipedia that, after the appellate court decision, the matter was privately settled. Unless the Nutshell has some inside track, its explanation of the case's resolution is simply incorrect. (2) This book has not been updated to reflect the more recent supplemental edition of the casebook to which it correlates. Plus, it fails to cover all of the cases in the casebook - even cases given significant emphasis. (3) I don't believe this book and my casebook were actually written by the same person, primarily because they contain contradictory information, highlight completely different aspects of cases, and are written in different voices. In fact, after reading about the supposed author of this book, who seems to be quite the authority in the field of Entertainment Law, I find it difficult to believe that she read this book before allowing her name to be slapped on it, let alone composed it. In summary, this book was unreliable and totally useless. Save your money, and hope someone else manages to produce a better study aid.

I'm completing an independent study on entertainment law, and more specifically, copyright law and how it pertains to filmmaking. I got this book among several others, and was a little surprised at how poorly written this book is. First off, the editing is TERRIBLE: there are spelling and grammar mistakes ALL OVER the book! On some pages it's outright ridiculous. Honestly, who proofread this before publication? Second, and most unforgivable, is some of the content. There are some bits of information which are simply WRONG. I haven't taken the time to go through and find them all, but to give an example, it incorrectly states the mandates of a certain copyright act (and I don't mean poorly states, I mean the information is contradictory to what the actual copyright act reads). So I'm at a bit of a loss I guess. Honestly, I kinda wish I could get my money back. When you get past the bad english, it provides an interesting overview, but then you're always wondering "is this ACTUALLY how this law/fact is? or is this an error?", so you can't really feel like you can rely on it. One error alone was enough to make me question the entire integrity of the book as comprehensive resource. Summary: might give you some direction on what to read further into, but not too much more than that.

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