

JANINE SMALL

BY BRADLEY TUCKER

ON ANY GIVEN NIGHT, when she is not at home with her husband and son, Janine Small can usually be found at a concert around New York City, or at any number of music festivals around the country. In many cases, she's been working on the show long before she arrives onsite—negotiating a deal for either the event's promoters or performers. Small, a devoted lawyer and lifelong Deadhead, is in the business of protecting the diverse mix of entertainers she represents. "It is more important now than ever to make sure that our clients are properly educated in certain business terms so they know when they need to seek our counsel," she says.

What was the music scene like where you grew up?

New Wave was the rage when I was growing up on Long Island. I looked young, had no fake ID and had strict parents who didn't let me go to shows at Nassau Coliseum until I was nearly done with high school, but I spent many weekends at the Levittown roller rink and the all-age dance club Uncle Sam's/Spit. I was a regular at the "Mini Cinema," where I saw *The Grateful Dead Movie*, *The Song Remains the Same* and so many other seminal concert movies. I also fondly remember seeing Joni Mitchell at Jones Beach—when they still had the moat—Bobby & The Midnites at Stony Brook, Jerry Garcia Band at the Felt Forum, The Who and The Clash at Shea Stadium, and Peter, Paul and Mary and David Bromberg at Hofstra University.

I was a devoted, "grateful" Deadhead. I still have my painted *Aoxomoxa* denim jacket from high school and begged my brother to take me to my first show at Madison Square Garden in 1981. During college, I studied diligently in the back seat while touring the United States seeing the band. I camped and stayed in hotel rooms packed with 15 people and paid my way by selling ponchos and sandwiches.

What was your first job in the music business, and what led you to that job?

My first job in the music business lasted 23 years with the same firm. I was a young lawyer in New York who wanted to get into the music business when a

mentor recommended me for a position at [the firm now known as] Carroll, Guido & Groffman. Three weeks after the interview, I moved across the country, took a 75 percent pay cut and followed my dreams. After achieving partnership and working on many groundbreaking deals with some of the biggest artists around, I decided that I was ready to open my own shop in 2015.

Describe an early influence on your career.

Fellow music attorney Ed Pierson had such a significant impact on my career. I like to talk and I'm a people person with an analytical mind, so I decided to go to law school in order to advocate for the artists I admired. I met Ed when he was chair of the American Bar Association Forum on the Entertainment and Sports Industries. We put on a legal music symposium at my school, and he invited me to write for their magazine and work on several projects. With his advice and guidance during those early years, he also helped me land my first and only music-business job.

What was an initial lesson you learned?

My most important life lessons were from my father. He always told me not to sweat the small stuff. When he knew I was working hard and stressed out, he told me "the best you can do is all we expect," as opposed to adding the usual pressure of the phrase "the best you can do is the least we expect." He



reminded me not to dwell on errors or what may happen and live in the present—be confident without worrying about how to resolve things that never come to fruition.

Do you have a favorite story about an artist or festival you work with?

I am happiest seeing my clients' dreams become a reality and knowing I played a small role in helping them. I negotiated O.A.R.'s first producer agreement with a member's father—a corporate lawyer—who, due to my style of negotiation and attention to detail, later hired me and told me, "We got our kids to college and we're relying on you to get them to the next level." The band's first show in New York City was at the Village Underground and, in 2006, they sold out Madison Square Garden.

Another great day was when one of my idols, Bonnie Raitt, gave me a shout-out at the Beacon Theatre and thanked me for looking out for her as her attorney. I love seeing deals I handled come to life, whether it is Ben Harper or Neil Young looking out at a sea of 80,000 fans at Bonnaroo; watching Stevie Wonder from the cabana at the Hangout Music Festival; and last, but definitely not least, hanging with my Deadhead brethren in Chicago during the Dead's Fare Thee Well concert. I had the amazing opportunity to negotiate the deals for the record-breaking pay-per-view telecast.

Those who attended the

2011 Bonnaroo Music and Arts Festival may remember the hundreds of amazing blue LED lights that fell from the sky after the end of the Arcade Fire and Primus sets. I spent many hours in lockstep with the festival's insurance agent discussing the liability, safety, insurance and indemnification issues surrounding the parachutists who would be releasing these flashing lights. I was assured by all that there was no concern, as the parachutists were to land at a field several miles from the festival site.

After Arcade Fire's set ended, I was walking to another event behind the main stage in a narrow corridor between the stage and the production trucks. As I was admiring the beautiful display in the sky, I was almost struck down by something flying overhead, which landed no more than 10 feet in front of me. To my surprise and almost laughable shock, it was one of the parachutists who missed his mark and almost took out the lawyer who was so intent on protecting the audience.

How has your current job changed from when you started?

The internet and explosion of digital distribution has changed the entire business. Piracy has increased, distribution is more efficient and there is less money being made from individual sales. To make up for this loss, the record deals have become more complicated and expansive, but without providing the funding to compensate for the time and energy needed to properly negotiate and close the deals. Performers are also bombarded with promotional opportunities, which often do not involve financial reward but include overly broad contract rights. Left unnegotiated, these agreements could result in the artist giving up rights to their music without royalties, fees or approvals. **T**