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Attorney wins a key "American Idol" contest

By Eriq Gardner
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NEW YORK (Hollywood Reporter, ESQ.) - It was a brutal audition. Before a panel of judges, Howard Siegel took center stage for a key performance during the second season of "American Idol."


But this contest wasn't shown on television, and the singers in the room sat in quiet examination, listening to Siegel's explanation of what a respected entertainment lawyer could do about their contract situation.

The series' producer, 19 Entertainment, had organized a mini-contest among several lawyers so the show's finalists could select one to represent them collectively in deal negotiations.

After a quick vote, Siegel won the job, which he passed to other lawyers after that season. Now, in the show's sixth season, Siegel is back representing all 24 finalists.

It's a job that, at first glance, might not seem terribly complex. After all, what kind of leverage does the New York-based attorney have in negotiating for clients who have been plucked from obscurity and given the opportunity of a lifetime?

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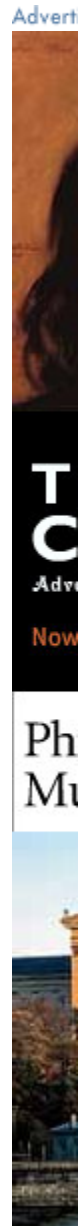
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But Siegel says his efforts do make a difference for the aspiring "Idols."

Like most reality programs, "Idol" requires everyone featured on the show to sign a broad release and rights grant before auditioning. If chosen as a finalist, contestants must sign additional contracts with producer Simon Fuller's 19 Recordings Ltd., 19 Merchandising Ltd. and 19 Management Ltd. Producers get management and merchandising rights and also have an option to sign the winner and others to a recording contract with Sony BMG, though that option is not always picked up.

During the show's first season, portions of a 14-page agreement that contestants signed were leaked. In the contract, contestants granted broad exclusive rights to Fuller, including the "unconditional right throughout the universe in perpetuity to use, simulate, or portray ... my name, likeness (whether photographic or otherwise), voice, singing voice, personality, personal identification or personal experiences, my life story, biographical data, incidents, situations and events which heretofore occurred or hereafter occur ..."

Besides putting their publicity rights in 19's hands, the finalists' long-term management contracts gave the company a huge cut of any future fortunes derived from record royalties.

But Siegel says that contracts have been improving in finalists' favor since the first season and that contestants now sign "much more generous" term sheets than the typical new act with a major label. These contracts "are certainly not anywhere near low-end deals," he says.

Siegel believes he's a big part of the reason why. The collective bargaining power of a single lawyer who negotiates with 19 quickly after the finalists are announced is "leverage in and of itself," he says. Individually, at the time they sign these contracts, contestants have not become household names and can't command A-list concessions. The only bargaining power may be a mass walk-out among the finalists that could cripple the show -- something Siegel says has not been discussed.

"19 as any music industry employer wants people who aren't dissatisfied," he says.

"American Idol," spawned from the U.K. reality hit "Pop Idol," debuted in summer 2002. The program has become a cultural and ratings juggernaut (an estimated 28 million viewers tuned in Wednesday night to watch the departure of much-mocked contestant Sanjaya Malakar) and has launched the music careers of such Billboard chart-toppers as Kelly Clarkson, Clay Aiken and Carrie

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Siegel's participation in the show actually dates back to its first season, when he was contacted by runner-up Justin Guarini to take a look at the agreements he was being asked to sign.

Afterward, Siegel says, 19 thought it would be a good idea to continue giving its finalists representation before handing them contracts. Hence, the beauty contest for the right to represent participants in the king of all beauty contests.

Siegel stresses that he was hired by the "Idol" contestants -- not by 19 -- after pitching his 35 years' in the music industry and experience representing Guarini. (Contestants also are free to hire additional lawyers.)

Siegel, who has spent almost his entire legal career at the 110-attorney firm Pryor Cashman, is former chair of the New York State Bar Assn.'s section on entertainment, arts and sports law, an associate member of the National Academy of Recording Arts and Sciences, and editor in chief of Entertainment Law, a 750-page treatise.

While most contestants sign their deals and perform without complaint, the show has not always stayed on good terms with its participants.

After being named runner-up in the voting but becoming the breakout star of the show's second season, Clay Aiken hired Atlanta entertainment lawyer Jess Rosen and was able to extricate himself from his management contract. Other contestants, such as Season 4 finalist Mario Vazquez, have followed suit, leaving lawyers to debate whether contestants are getting a fair deal.

Los Angeles lawyer Gary Fine says he doubts much has changed since the show's first-season contract was circulated.

"While I'm sure having a lawyer like Howard may help some, Simon Fuller is in a unique position of leverage, and the deal terms are probably what they are," Fine says. "'American Idol' can tout that contestants are represented and that representation may in fact otherwise improve material terms of the contestants' agreement, but I doubt that any one particular lawyer is going to achieve substantially more favorable results for one season's 'Idol' contestants than for another season's contestants."

But one prominent critic of the show, attorney Kenneth Freundlich, who appeared on cable news shows to heap scorn on "Idol" producers for taking advantage of young music artists, now says he

has changed his mind.

"Any criticism I had about the show was a long time ago," Freundlich says. "The show has matured, and having Howard aboard helps because he's a good person and a good lawyer."

Siegel has participated in some of that post-"Idol" success as well. He says he continues to represent many contestants after their time on the show. Most fade into obscurity, but several, like Ruben Studdard, have found success and stuck by their "Idol" lawyer.

Siegel says he enjoys the benefits of representing obscure up-and-comers on their way to stardom.

"You have these young, relatively inexperienced individuals who are thrust with suddenness into the public eye at an incredible level," he says, "and it is absolutely the best reward I can experience as a lawyer to watch them adapt to new status and help them deal with pressures associated with the development."

Reuters/Hollywood Reporter

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