

# California Law Business

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## BEST IN THE WEST

John Branca gets a lot of satisfaction being the hit man for the Rolling Stones, Aerosmith and Elton John. Still, it was a thriller when Michael Jackson returned.

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# BEST IN THE WEST

John Branca is glad Michael Jackson is again his client, but even without him the attorney had his three most productive years.

By MICHAEL D. HARRIS

In the small, elite circle of high-powered entertainment lawyers, it was the client coup of 1993. John Branca, indisputably the top music lawyer on the West Coast and perhaps in the country — his friend, New York's Allen Grubman, being his only true competitor for the latter title — reunited with superstar entertainer Michael Jackson, who was about to become deeply immersed in battling child molestation allegations.

Back in 1979, Mr. Branca was a young tax partner with the now-defunct Hardee, Barovick, Konecky & Braun, when he was assigned to work on Mr. Jackson's account. When Mr. Jackson's career skyrocketed with the 1982 release of the mega-platinum "Thriller" album — the biggest-selling album of all time — Mr. Branca took off with him, negotiating deals for the entertainer and helping to manage him. In the process, Mr. Branca made his reputation as well as millions of dollars.

But in 1990, that mutually lucrative relationship ground to a halt. Reportedly at the urging of entertainment czar David Geffen, who felt Mr. Branca was wielding too much influence with the superstar, Mr. Jackson tearfully fired the attorney and jumped ship to Bert Fields, primarily known as a heavy-weight entertainment litigator.

Late last year, however, Mr. Fields — a name partner with Century City's Greenberg, Glusker, Fields, Claman & Machtiger — resigned for undisclosed reasons as Mr. Jackson's attorney a month before the entertainer reportedly paid millions of dollars to settle a career-threatening molestation lawsuit filed against him by a 14-year-old boy.

And Mr. Branca, a name partner at Ziffren, Brittenham & Branca, the premier Century City entertainment boutique, once again found himself handling the self-styled "King of Pop's" substantial body of music work.

For that he will be forever grateful. But Mr. Branca, 43, feels the media has perpetuated a misconception about the three or so years he was in exile from the Jackson camp: Namely, that he did little more than sit around plotting how to get the superstar

away from Mr. Fields and back into his own dazzling stable of clients, a virtual Who's Who of rock 'n' roll and pop music.

Nothing could be further from the truth, Mr. Branca says. In fact, he maintains, those years were the most productive of his career by far. "Of course I wanted Michael back," says the soft-spoken attorney who rarely grants interviews. "But I never mounted a campaign to get him back. I was not sitting there lying in wait. That is simply not the case. Michael makes his own decisions."

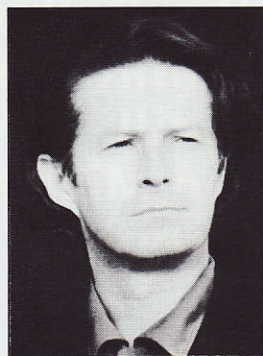
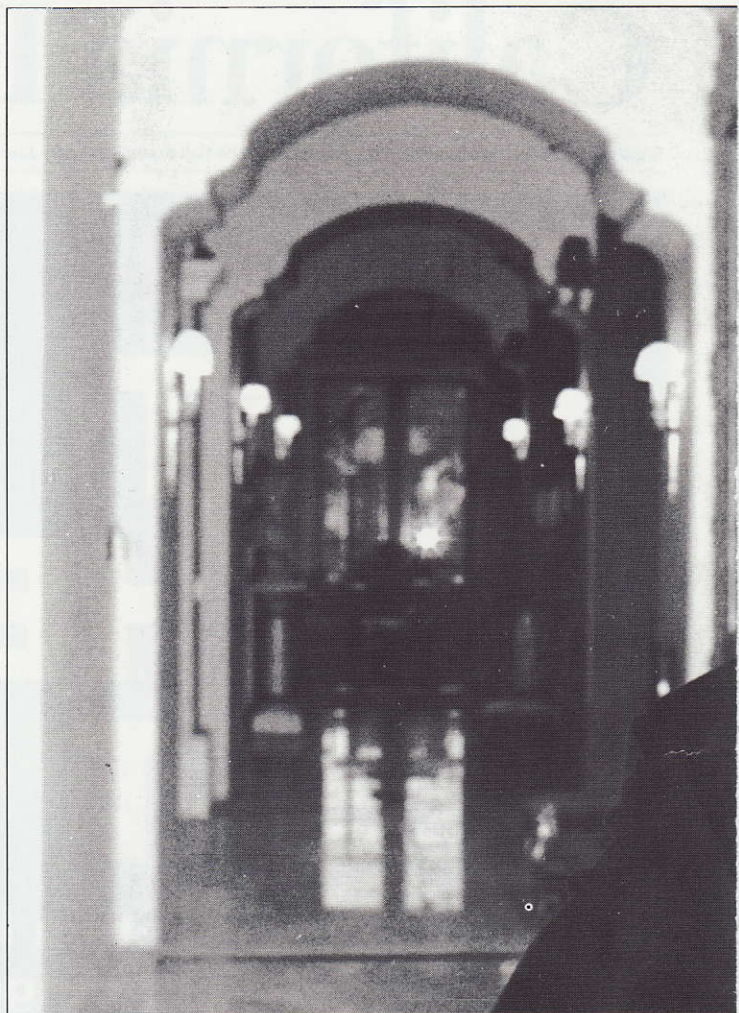
"The fact that Michael Jackson came back to me was a nice vindication in a sense," he says, "but it wasn't something I was basing my career on. The past three years have been the most productive of my career" in which he negotiated a majority of the mega-artist deals in the record business.

Those deals included representing Aerosmith in a four-album, \$30 million recording contract with Sony Music, the Rolling Stones in a three-album, \$40 million recording agreement with Virgin Records — the largest in history for a recording group — and Elton John in a \$39 million music publishing deal with Warner/Chappell.

Other deals included representing ZZ Top in a five-album, \$30 million recording agreement with BMG Records and negotiating, along with fellow Ziffren Brittenham partner Gary Stiffelman, the Prince/Warner Bros. deal worth a reported \$100 million. (Before switching to Ziffren Brittenham, Prince used to be represented by prominent music attorney Lee Phillips, a name partner with West Los Angeles' Manatt, Phelps & Phillips. Prince filed suit against Manatt Phelps and his former accountants for breach of fiduciary duty and conspiracy to defraud, but the action was later settled.)

But that's not all. During that period, Mr. Branca also represented JVC in negotiations with MCA to establish a Japanese joint venture record company; Def American Records and its founder, Rick Rubin, in establishing a joint venture with Warner Bros. Records; and Interscope Communications in establishing a joint venture with Atlantic Records and the formation of Interscope Records.

In addition, he represented Rhino Records in establishing joint ventures with



Time/Warner and Delicious Vinyl in the establishment of a joint venture with Time/Warner, and helped establish a joint venture between Sony Music and Dick Clark Productions for the creation of new recordings and the telemarketing of records.

He also began representing the estate of Elvis Presley and picked up as clients a host of alternative and rap artists such as Nirvana, Rage Against the Machine, Tool, Dr. Dre, Snoop Doggy Dog, Sir Mix-a-Lot, Megadeth and Toad the Wet Sprocket.

During that period, he also started doing music work for such established recording artists as Don Henley, Duran Duran, Traveling Wilburys, Kiss, Dwight Yoakam, Meatloaf, Tony Toni Tone, Chris Isaak, George Winston and former Motley Crue lead singer Vince Neil.

The new clients expanded Mr. Branca's

already formidable roster of clients that includes such personal favorites as the Beach Boys and the Doors. (Before getting his law degree from UCLA in 1975, Mr. Branca played keyboards in a band that opened for Jim Morrison and company at the Whiskey).

Mr. Branca was obviously a very busy man during his years away from Mr. Jackson — so busy, he says, that he wasn't left with a lot of time to worry about how to get the superstar back with Ziffren Brittenham.

He says his reunion with Mr. Jackson stemmed from a lunch he had last summer with the entertainer's manager, Sandy Gallin, with whom he had represented the ultimately disgraced Milli Vanilli. Mr. Branca says he and Mr. Gallin practically went through the entire lunch without discussing the superstar, but finally did after Mr. Gallin





ROBERT LEVINS



**DAZZLING CLIENT LIST —**

"I was fortunate in that a number of very important clients showed confidence in me by retaining me," says attorney John Branca, who represents music heavyweights (from left) Don Henley; Aerosmith, for whom he negotiated a \$30 million record deal; Michael Jackson, who returned to the fold in the client coup of 1993; and Prince, for whom he and partner Gary Stiffelman handled a deal with Warner Bros. reportedly worth \$100 million.

brought his name up.

Afterwards, Mr. Branca says, Mr. Gallin telephoned Mr. Jackson, who in turn telephoned Mr. Branca several days later and asked him to once again join the team.

Mr. Jackson quickly reaped the benefits of his renewed association with Mr. Branca.

The attorney brokered for him the largest music publishing deal in history, worth an estimated \$100 million. Under it, Mr. Jackson's vast publishing holdings — which include most of the Lennon/McCartney catalog as well as songs by Mr. Presley, Little Richard and many others — will be administered by EMI Music.

Mr. Branca, who has been a name partner at Ziffren Brittenham since 1984, lets on that being fired by Mr. Jackson left him shaken for a brief period of time.

"In this business, if you're viewed as vulnerable, or you've lost your power base, the

vultures start circling," he says. "And people were waiting to see if that was it, hoping that I would ride into the sunset."

"So yeah, there were some nervous times," he allows. "But I must say that I was fortunate in that a number of very important clients — both corporate and artists — showed confidence in me by retaining me. And in retrospect, the practice continued to grow without missing a beat."

Mr. Branca denies reports that ever since being fired by Mr. Jackson, he's been waging a war of revenge against Mr. Geffen.

"As far as I'm concerned, there is no dispute with David Geffen," he says.

But industry observers note Mr. Branca took Aerosmith from Geffen Records to Sony and started representing ex-Eagle Henley, who is suing to leave Geffen.

To that, Mr. Branca says, "I'm a person who people identify as somebody who is

independent, and who will stand up and represent a client aggressively."

The past few years have seen Ziffren Brittenham hit with several conflict-of-interest suits. One was dismissed on summary judgment, one was settled and two are pending.

Mr. Branca says they're all groundless. "What's really happening," he says, "is that when you're successful, people come out of the woodwork looking to take a shot, to see if they can get a settlement."

"Conflicts are absolutely inevitable in any business as small as the music business," he goes on. "It may be a big dollar business, but there are only six major distributors in North America and five international distributors. And without being arrogant, I would say the number of top law firms that are handling most of the transactions are maybe four or five."