

Influential Women In IP Law: Sandra Crawshaw-Sparks

By **Vin Gurrieri**

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Proskauer Rose LLP partner Sandra Crawshaw-Sparks has guided music icons like Madonna and Lady Gaga to victories in lawsuits alleging their songs infringed copyrights and has played a key role in other cases involving the entertainment industry's biggest players, making her one of Law360's Most Influential Women In IP Law.

Based in New York and Los Angeles, Crawshaw-Sparks is the leader of Proskauer's entertainment, copyrights and media practice group, where she focuses on the music business. Over the course of her 26-year career, she has represented some of the industry's biggest names, including U2, Sting, Britney Spears, Kesha and Shania Twain as well as major record labels such as Universal Music Group, Sony Music Entertainment and Warner Music Group in high-profile litigation and behind-the-scenes dispute resolution.

Part of the appeal of entertainment law, a job Crawshaw-Sparks describes as “never boring,” is that it encompasses many different areas of the law and involves distinct personalities.

Among her slew of successes, Crawshaw-Sparks helped Madonna defeat claims that she and record producer Shep Pettibone concealed an unauthorized sample from the 1977 disco track “Love Break” on the hit 1990 song “Vogue.”

The suit, brought in 2012 by VMG Salsoul LLC, alleged that its predecessor had hired Pettibone, the co-author of “Vogue,” to remix “Love Break” for the Salsoul Orchestra before he went to work with Madonna. The suit said he swiped the samples and sneakily incorporated them into Madonna's soon-to-be smash hit.

Led by Crawshaw-Sparks, Madonna, her publishing company Webo Girl Publishing Inc. and WB Music Corp. won summary judgment last year after U.S. District Judge Beverly Reid O'Connell determined that the single horn chord from “Love Break” wasn't original enough to warrant protection. In April, the judge also awarded the pop music icon and the other defendants attorneys' fees and costs.



Sandra A. Crawshaw-Sparks

In June, Crawshaw-Sparks also helped score a win for Lady Gaga in a copyright infringement action alleging the song “Judas,” which appeared on the singer's 2011 album “Born This Way,” contained lyrics and arrangements similar to those in plaintiff Rebecca Francescatti’s 1999 tune “Juda.”

Not mincing words, U.S. District Judge Marvin E. Aspen said in his summary judgment order that the songs were “so utterly dissimilar that reasonable minds could not differ as to the lack of substantial similarity between them.”

Crawshaw-Sparks' list of successes goes on: She defended U2 against infringement claims over the hit song “Vertigo” on the band's 2004 album “How to Dismantle an Atomic Bomb.” She helped singer, songwriter and producer Terius Nash, the performer known as The-Dream, defeat infringement claims over his hit duet with Mariah Carey entitled “My Love.” And she defended Live Nation Merchandise Inc. **in a suit** brought by music photographer Ross Halfin, who claimed the company had misused on a variety of merchandise a version of a photo he'd snapped years earlier of famed guitarist Pete Townsend.

She also defended R&B star John Legend as well as Sony Music Entertainment and Columbia Records in a 2011 lawsuit brought by songwriter Anthony Stokes alleging that Legend's song “Maxine's Interlude,” which was released on his 2006 album “Once Again,” misappropriates elements of Stokes' song “Where Are You Now?”

Looking at her work, Crawshaw-Sparks says she most enjoys these types of copyright cases, since “no two are the same.”

“The underlying fact pattern is always different,” she said. “Sometimes you hear similarities in musical works, and other times you have no idea what the other side is talking about.”

Of the artists she represents, Crawshaw-Sparks says she deeply respects each of them since they come from all different backgrounds, yet share a common talent for creativity.

“If you put yourself in their head, it's easier to understand their concerns,” Crawshaw-Sparks said. “They have a right to know that their attorney really hears and understands them.”

Crawshaw-Sparks also noted that many artists have extreme demands on their time and people who are in their lives for the wrong reasons, so it is important to establish a relationship of respect and trust and “to let them know you're sincerely there to help them.”

In addition to artists, Crawshaw-Sparks has also successfully represented various other high-profile entities in the music business.

She was part of the litigation team that won summary judgment for the National Academy of Recording Arts & Sciences — the organization of music professionals best known for honoring distinguished achievement for live and recorded musical performances through its annual Grammy Awards — in a proposed class action brought by four artists seeking reinstatement of the Grammy for Best Latin Jazz Album.

Crawshaw-Sparks also represented the Academy in a series of lawsuits against ticket brokers who induced its members to unlawfully sell their tickets to the award show and other events. Crawshaw-Sparks and the Proskauer team won injunctions against the offending brokers as well as damages and

attorneys' fees.

Wayne Zahner, the CFO of the Recording Academy, called Crawshaw-Sparks an exceptional attorney who has an innate ability to explain difficult concepts in ways that are easy to understand.

"Sandy sees things with the organization's long-term goals in mind and has an understanding of how matters effect all aspects of [our] organization," Zahner said. "She makes sure we're fully protected in case of litigation and helps us to avoid pitfalls."

"We are a complex organization that looks out for the rights of musicians and we want to make sure we have someone on our team that understands these issues," he said. "It's great to work with Sandy."

A 1988 honors graduate of the Fordham University School of Law, Crawshaw-Sparks says she never considered a career in the creative arts and didn't know at the beginning of her legal career that she wanted to be an entertainment attorney.

But on her first day as a first-year associate, she was handed an entertainment case by a partner, Charles Ortner, who subsequently became her mentor.

"I fell in love with the people and the subject matter and tried to learn about laws that come into play in the music industry," Crawshaw-Sparks said. "My interest was piqued right away and has never wavered."

Not all her cases at first were related to entertainment, but Crawshaw-Sparks made sure to take as many as were available.

"Even if it meant working late nights, weekends and holidays, I tried to take as many entertainment cases as I could," she said.

Early in her career, Crawshaw-Sparks said a record label executive told her in conversation that he was looking for a lawyer who really knew and understood the business and his company — a quality Crawshaw-Sparks now says is an important factor to her success.

Over time, she was able to gain a deep knowledge of how the music business works and gained the ability to put herself in her clients' shoes to understand their needs.

"An in-depth understanding of the people in the business helps you understand how to resolve matters before litigation," she said. "You have to ask yourself: 'What do they want?'"

She describes her style as an attorney as practical and fair as well as loyal and tough — qualities that help her resolve matters early and find creative ways to solve problems.

But ultimately, Crawshaw-Sparks says her job is to be a strong advocate for the clients she represents.

"I'm not a pushover; you can't be a pushover in this business," she said. "I'd move mountains for any of [my] clients."

Crawshaw-Sparks pointed out that some of her hardest-fought victories over the years have never seen the light of day, since confidentiality was the key to a resolution.

"There are lots of secrets I will take with me to my grave," she said.

Richard Patti, a senior vice president and associate general counsel at Live Nation Entertainment Inc., says Crawshaw-Sparks has brought great skill to her work representing the company in numerous copyright and trademark matters involving major artists that Live Nation has promoted.

"She helped Live Nation navigate [those matters] perfectly in terms of disposing of the claims, circumventing risks and respecting our relationships with the artists," Patti said. "She has an exceptional knowledge of IP law and brings a high level of skill in dealing with major artists in the entertainment industry."

Patti says Crawshaw-Sparks understands the clients' perspective on matters that she handles and also brings a sensitivity to the needs of executives in the industry, adding that he has great respect for her as a person.

"Count me among her biggest fans," Patti said.

Looking back to her early days as an attorney, Crawshaw-Sparks says that even though it isn't easy being a woman in the music industry, great strides have been made in the past two decades.

"When I first started, I was young-looking and young-sounding. It was hard to be taken seriously in an industry dominated by men," she said. "But women have made great inroads, and credibility came with experience. I believe I'm taken quite seriously now."

Crawshaw-Sparks says it is important for young attorneys breaking into the industry to find an area they are passionate about, seek out mentors interested in their development and be ready to perform when opportunities arise.

"It's difficult enough to work as hard as we do; you need to also be passionate about what you do," she said. "It's important to make it known that you care about your clients and will work as hard as it takes to get the best results for them."

--Editing by Kat Laskowski and Emily Kokoll.