

Thursday, April 2, 2009

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PEOPLE:

Music and Law—an Unexpected Harmony

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(First in an occasional series on lawyers and judges engaged in musical pursuits.)

Do musicians make good lawyers? Or do lawyers make good musicians? Or is it, as Los Angeles Superior Court Judge Brett Klein jokingly suggests, just that lawyers can afford the time and money to buy instruments?

While several studies claim a link exists between music training and intelligence, many members of the legal community have a background in music and attest to some correlation between music and law.

Plato wrote in the Book of Laws II that a well-educated man was one trained in music, because music training was required to develop a healthy sensitivity. However, Santa Monica Deputy City Attorney David Fairweather admits, “people wouldn’t expect a lawyer or a judge to have the sensitivity to be a musician.”

Mediator and Administrative Law Judge Michael Diliberto says people “sort of scoff when they find out I’m a lawyer,” so “when they find out I’m a lawyer who actually can play, they’re pretty surprised.”

But Loyola Law School entertainment law professor Jay Dougherty insists “L.A. is full of lawyer musicians.” And he appears to be right. In the course of researching this series of articles, dozens have come out of the wood-paneled libraries and marble-lined halls to be profiled. They play every form of music, from jazz to rock, and classical to country.

‘Coincidence’

Klein says that when he was teaching at La Verne law school, many members of the faculty were musicians, and the top student was a former professional guitarist. “It couldn’t be a coincidence,” he insists.

Sherman Oaks attorney Sherman Ellison hypothesizes that there is “a lot of similarity between the logic of a musician and the logic of a lawyer.”

For example, he says “you know when you’re playing a song that it has a certain sequence, C to A minor, to F to G, to B,” while in law, “you know that a battery is

an intentional touching of a person without their consent.

“If you satisfy those four elements, you have a battery every time, and if you play C to A minor to F to G to B, you have the song.”

Klein explains that music “isn’t just artistic,” because “it’s constructed on a tightly organized mathematical model” which controls how many notes can fit in a musical phrase, and thereby how quickly the notes need to be played.

Dougherty jokingly reasons that music’s mathematical foundation is exactly why lawyers should not make good musicians. “Isn’t that why we all went to law school?” he asks. “Because we’re not good at math?”

If that is the case, no one admitted to it, but some were willing to share their stories about how they made the transition from music to law.

‘A Regular Life’

Encino business and real estate litigation attorney Bob Hirschman of Hirschman and Associates worked his way through college as a professional bassist and trombone player, playing with the Monterey Symphony Orchestra, the now-defunct Conejo Symphony Orchestra, and touring with various jazz ensembles.

After a few years on the road, he says “I decided this isn’t the life for me,” and was looking for a new line of work. “It’s hard to have a family when you’re always on the road, and that’s not what I wanted,” Hirschman explains. “I wanted to have a regular life.”

He recalls he was thinking about law school because he had already taken the LSAT at his parents’ insistence, but the start of the academic school year was weeks away and it was too late for him to apply anywhere.

Then Hirschman was booked to play at a performance by comedian and actor Don Rickles. After the show, Hirschman says he talked to the drummer, Los Angeles attorney Jerry Levine, about law school because Levine was heading to UC Hastings College of Law in two weeks. Hirschman recalls that Levine offered to see if there were any way he could get Hirschman into the school as well.

Levine left, armed with Hirschman’s transcripts and LSAT scores, and two days before classes began, Hirschman says, Levine called to let him know he was in. “So I loaded up my VW van, and off I went,” Hirschman says with a laugh.

After school began, Hirschman began to have second thoughts about his decision and went back on tour with jazz trumpeter Maynard Ferguson. “I wasn’t sure I wanted to be a lawyer at that time” he says “but after a couple months touring, I remembered why I went to law school in the first place.”

Managing Bands

Hirschman went into entertainment law after graduating, and eventually set about trying to open his own firm with a partner. During the 1970s, while Hirschman was in London trying to open a law office there, he wound up negotiating a contract for a then-unknown British progressive rock band called Genesis and became the band’s manager.

While on that side of the pond, he also went on to manage glam-rock one-hit-wonders Mott the Hoople and the legendary rock band Queen.

“But managing is a hard life, too,” Hirschman says. “Again, you’re on the road all the time, and after eight years of that, I had it.”

Hirschman returned stateside, switched his practice area and set up shop as a solo practitioner. To this day he has remained friends with Levine, and the two often play jazz together. He also plays with the Los Angeles Lawyers Philharmonic Orchestra and on occasion with Presiding Justice Arthur Gilbert of this district’s Court of Appeal. They performed together Sunday at the Jazz Bakery in Culver City.

Childhood Dreams

As a child growing up in the Chicago projects, Los Angeles attorney Susan Rabin recalls that her family could not afford a babysitter, so after school, she and her sisters would accompany their mother to her job working the hat check at nightclubs where they would listen to the performers every night.

“From the earliest age, I wanted to be in show business,” Rabin says. But after hosting a lounge act at Caesar’s Palace during the 1970s, then moving to San Francisco, she still had not gotten her big break.

So she wrote a song about the late Pulitzer Prize winning San Francisco Chronicle columnist Herb Caen called “Herb Caen, Please Mention My Name,” befriended the newspaper’s receptionist, and charmed her way into Caen’s office where she performed the song for him.

While she says he responded to the song enthusiastically, he never mentioned her name in his column. Undeterred, the petite blonde resorted to plan B, which was law school. “My idea was to become an entertainment lawyer, make some connections, and get a record deal,” she says, but once she became a lawyer, she says she realized she wanted to stay one.

“So thank you, Herb Caen, for making me become a lawyer,” she says.

Jazz Trio

Rabin moved to Los Angeles in 2004, joining Gareeb Pham LLP. On the side she also started doing production attorney work and some music supervision for films.

But Rabin has not left her love of music behind. She is singing with the Bezan Manson Trio, and says she’s hoping the group will be performing soon at Spazio’s in Sherman Oaks.

Rabin also serves as a co-chair of the Entertainment Section for the Beverly Hills Bar Association.

Stealing Food

When mediator Bob Tessier of Judicate West was a senior in college, he was playing bass guitar, keyboard, and banjo in a Dixieland jazz band, and debating

whether he wanted to pursue a career in music or take his parents' advice and pursue law.

He says, "They didn't really think I had anything else going for me but a big mouth," so they were pushing him to go to law school. But he says he was leaning more towards music at the time.

Then his band got a gig at UCLA. "It was \$25 for four hours, and we got to go through the buffet line," he recalls. "It was a great barbecue buffet."

But while he was headed through the buffet line, he recalls seeing one of his band mates sneaking food into his clothing pockets. "He told me, 'I don't know when I'll get to eat like this again,'" Tessier says.

"It was at that moment I decided I wasn't going to live my life stuffing ribs into my jacket."

'Long-Haired Hippie Lawyer'

After Sherman Oaks defense attorney Sherman Ellison's first year in law school, Ellison says he had a change of heart and decided to pursue music full-time.

When he and his cousin went on tour, "We were playing with a bunch of go-go dancers, it was a lot of fun," he says, "and the hiatus from law school was terrific."

Still, life as a musician proved to be "really tough," and after a year, Ellison returned to school. "I wanted to be able to earn a living and support a family," he says "You can't do that in music." So the "long-haired hippie" became "a long-haired lawyer."

Ellison refused to give up music completely though, and made two attempts at forming all-lawyer musical ensembles. Ultimately, he says the projects failed because he could not get members to commit to a regular rehearsal schedule.

Abandoning the concept of an all-lawyer band, Ellison put together a group called Felonious Funk. The name is a takeoff on that of jazz great Thelonious Monk, but Ellison facetiously maintains that the band members are all felons who are "trying to be funky."

Felonious Funk has regularly appeared at the Hungry Hunter in Woodland Hills and the Woodland Hills Hilton for the past few years.

"It's like another Chicago," Ellison says of the group's style, and the former guitarist from Chicago took Ellison's position in the band last year when Ellison started managing it.

The band rehearses at the recording studio Ellison had built behind his house two years ago.

Ellison's most recent endeavor is learning how to become a recording engineer, and to open his studio for other artists to record their music.

"As I go into the remaining years of my life, who knows, I might find another Beatle," he says.

Feeding the Family

Although Sherman Oaks solo practitioner Steve Sadd jokes that the difference

between a professional musician and a large pizza is that the large pizza will feed a family every time, and a constant theme among the musicians-turned-lawyers was the difficulty in earning a living at music, some members of the legal community have met with commercial success while working as professional musicians.

Administrative Law Judge Stuart Waxman spent almost 20 years working as a professional percussionist, playing in Las Vegas showrooms and touring for three years with The Sandpipers, whose 1966 song “Guantanamera” hit the No. 9 spot on the U.S. music charts that year.

One hot, late-summer afternoon, Waxman stood in the center of a circle of percussion instruments spanning the width of a two-car garage. He identifies them lovingly; a marimba, orchestra bells, xylophone, vibroharp, congas, timpani, and more.

Many of these instruments were at the MGM Hotel and Casino in Las Vegas — now Bally’s Las Vegas — when it caught fire Nov. 21, 1980. He says he was due at rehearsal two hours after the massive fire broke out.

The fire department let Waxman and a few other musicians enter the hotel’s basement the next day to rescue their instruments. “It was really freaky,” he recalls. “It was all dark, and there was water dripping down, and you knew there was structural damage...I just grabbed my stuff and got the heck out of there.”

It took him three weeks to disassemble all of his instruments and clean “every bolt, every screw” he says, but some of the damage from the smoke is still visible.

Relief Band

Waxman says he was part of the “relief band” for most of his years in Las Vegas. The hotels’ house bands only worked six nights a week, he explains, but the stars perform every day. “We played a different show for a different star every night,” he recalls. “You had to be able to play anything they put in front of you.”

Being in the relief band allowed him to play almost every venue in Vegas, he says, and with just about every performer who came to town, including Barbara Streisand, jazz singer Sarah Vaughan, Tony Bennett, Frank Sinatra Jr., Sammy Davis Jr. and Perry Como.

Laughing somewhat ruefully, Waxman adds that he had auditioned for the then-unknown brother-sister duo of Richard and Karen Carpenter before coming to Las Vegas, but turned down a spot in their band for what he thought would be more stable work in the hotels.

Later the chart-topping duo performed at the MGM while he was working there. “They were always very nice,” he says. “After shows they’d say ‘hi’ and then go get in their limo, and I’d go get in my Datsun,” he recalls, his eyes twinkling merrily.

Eventually he says he decided to follow in his father’s footsteps and become a lawyer because he knew he was not going to be able to keep going as a musician forever.

“You have to be young, fast and strong because it’s such a physically demanding job,” he explains. He recalls one performance where he was rushing around a 22-by-7 foot area negotiating his instruments and reading music off of seven separate stands. “It’s a lot for work for a guy my age,” the 61-year-old says with a laugh.

He says he still gets some job offers, and occasionally will perform. He is performing May 2 with the Loyola-Marymount University Choir.

“Music is my passion,” he says, shrugging off the cliché. “I love it.”

Being able to “create emotion out of a combination of vibrations per second is the most exciting thing imaginable,” he declares. “I write for a living, and I cannot even begin to express how it makes me feel.”

Thunder Road

Anyone looking to find Inland Empire attorney Bill Shapiro is just as likely to find him in a courtroom as playing onstage behind country music legend Toby Keith or on the tour bus with his own band, Thunder Road.

Thunder Road released its self-titled debut album in 2005. Two of their songs, “Take It Like a Man” and “What if I’m Right” received some airplay on former local country music station KZLA 93.9.

The album went to No. 1 in seven European countries, and remained on the European Country Music Association’s Top 10 list for over 12 weeks, Shapiro says. A second album is forthcoming within the year, under the band’s new name, Austin Law, he adds.

The immediate past-president of the San Bernardino County Bar Association and San Bernardino/Riverside Chapter of American Board of Trial Advocates has been a professional steel guitarist for nearly 30 years.

Steel guitar is a method of playing a guitar held horizontally and using a slide on the fingers—called a steel—to form notes. The style can be executed on any type of guitar, but is most commonly used on instruments geared specifically for this style of playing.

Concert Dates

For years he says he maintained his law practice by day on a laptop and cell phone while performing at night, and rushing back to Southern California for court appearances as needed.

After performances, people would come on the tour bus asking “Where you going next?” he says. “Little did they know I’d be in San Bernardino Superior Court the next day.”

The self-described Jewish boy from Ontario looks more like a country rock star than a lawyer with his collar-brushing strawberry-blond hair, styled into what can only be described as a mullet, and jovial demeanor.

“I was not one of those guys slated to be a lawyer,” Shapiro admits “I was a P.E. major in college...[and] when I told my folks I was gonna go to law school, God

bless 'em, they kinda chuckled.”

He says that his practice takes priority, but admits it is hard to balance the two because “the [music] industry wants to be able to have 125 percent of you, and I’m not in that spot...I’ve never been in that spot.”

On top of that, he adds, “I don’t want to be living in a bus,” even a bus as well-appointed as his—it sleeps six comfortably, has a miniature kitchen, bathroom with shower, and two televisions.

The bus stayed parked this past year while Shapiro focused on his professional obligations, but he predicts that the next time the bus heads back on the road, he will probably be on it.

The Beach Boys

When Pat Kelly, managing partner for Wilson Elser’s Los Angeles office is not performing with the Beach Boys, he jokes, “In my spare time, I run this law office.”

He began playing guitar professionally when he was 16, and spent 10 years touring as a backup musician for the Beach Boys, Johnny Rivers, The Surfaris, Frank Zappa, Glen Campbell, Jan and Dean, and Chicago.

“I’m sure no one ever got out of Pomona College with a lower [grade point] average than I did because I basically just showed up for exams,” he recalls of his college days. “I’d rather play guitar than anything else.”

At the age of 26, he says, “My folks finally shamed me into going to law school,” after “bugging the daylight” out of him to give up rock n’ roll. After graduating, he says, “as much as it pained me,” he quit playing because he thought anything to do with being a professional musician would hurt his law career.

Almost 15 years later, Kelly says his wife met a woman at a Mommy and Me class whose husband was a musician. The woman’s husband turned out to be none other than Bruce Johnson of the Beach Boys.

As Johnson and Kelly rekindled their friendship, Kelly says Johnson persuaded him to start playing again, and soon Kelly was joining the Beach Boys on stage and on tour.

Forging Beach Balls

One time, Kelly says a fan approached him after a performance and asked him to autograph a beach ball, apparently mistaking Kelly for Beach Boys singer Mike Love, to whom Kelly bears a strong resemblance. “He wouldn’t take no for an answer,” Kelly recalls, so Kelly gave in. “Somewhere out there is a forged beach ball,” he says with a laugh.

Kelly says he told Love about the incident, and Love was so amused that he now sends Kelly out to sign autographs in his stead on occasion.

While Kelly vows to continue performing for as long as he can and says he is tempted to accept the Beach Boys’ offer of having him join the band as a permanent member, he says he wants to help improve the legal community before he will consider transitioning back to being a professional musician, “starting with a run for

the [State Bar] Board of Governors.”

Playing With Sinatra

During his 15-year professional music career, Santa Monica entertainment law attorney Jay Cooper of Greenberg Traurig LLP played orchestral music with the Los Angeles Philharmonic, toured as part of Frank Sinatra’s band, and played behind Nat King Cole, Bobby Darin, Mel Tormé, Perez Prado, Les Brown, and Charlie Barnet.

“I never intended to practice law,” he admits, and confesses he only “reluctantly” went to law school because his mother insisted. Because the law school and music school were housed in the same building at DePaul University, he was able to study both.

Cooper graduated, took the bar, and immediately took off on tour with a band called Not So Fussy With Henry Busse. “I wound up in California and said I’m never going back,” he recalls.

While reminiscing over his music career, Cooper waxes poetic about a bygone era. He talks about the “old-style night clubs where the stars would go” that used to line Sunset Blvd.—the Crescendo, the Interlude, the Mocambo. “They’re all gone now,” he says, heavy with nostalgia.

Finally, during the 1960s, he quips, “drugs” led him to start practicing. Cooper explains each time any of his friends were arrested for drug possession, they would ask him to represent them. Eventually, “Juggling court dates and contract dates became impossible,” he says, and so he moved into law full time.

Musical Reminiscences

Although he says he made the right decision because “musicians don’t have a long shelf life,” he admits he wishes he had played “just a few more years” to “get it out of my system.”

Cooper also continues to play “for the pain of it” in his free time. “It doesn’t quite flow the way it did when you played all day, every day,” he admits. “And when you know how you used to sound, it’s painful.”

Law, although enjoyable, does not provide the same emotional experience as music, he says. “I don’t have 18,000 people screaming when I do a good contract,” he says with a laugh. “That’s why entertainers entertain, that’s what they live for, and I confess, I do miss that.”

He tried his hand briefly managing musicians, but says he did not enjoy it. “Musicians are always having breakdowns,” he explains. “If they’re having a breakdown they call the manager in the middle of the night, but the manager waits until 9 to call the lawyer.”