

Of Counsel Interview . . .

Coming Out of the Blocks Full Speed: Greenberg Glusker's Young Associate Sprints to Success

For young associates entering private practice the adjustments to career life as a lawyer usually come slowly as they push a lot of paper, track and file documents, trail senior partners around the firm, and gradually interact with clients. That's simply what your average first- and second-year associates do.

Then there's Ken Basin, who's anything but average.

Now in his third year at the entertainment law partnership Greenberg Glusker in Los Angeles, Basin's already made quite a splash. He practices a hybrid of transactional law and litigation, working on some very complex deals and cases for some big-name clients, such as Tom Cruise, James Cameron, Warren Beatty, and Marvel Entertainment, and against such formidable foes as the investment juggernaut Goldman Sachs and the major studios Fox and Warner Bros. In 2010 alone, Basin generated a personal book of business of nearly \$100,000, not bad for a second-year associate.

He also writes for scholarly journals and is the editor-in-chief of Greenberg Glusker's Law Law Land Blog, a self-described "lawyer's look at the weird, wacky, wonderful world of the entertainment industry." The blog addresses entertainment legal issues with well-crafted, well-researched, witty, and wry prose that you just don't see anywhere else.

Oh yes, the 26-year-old has also starred on the game shows "Jeopardy," in 2003

as a college student, and more recently in 2009 on "Who Want to Be A Millionaire," where he became a YouTube sensation for his performance.

Greenberg leaders realize that they have something special and seem to appreciate what Basin brings to the firm. "A lot of things impress me about Ken," says managing partner Norman Levine. "One is the fact that he's been able to achieve a lot in three areas when most young lawyers are struggling to achieve in one. He's gained expertise in both transactional law and litigation, and he's had outstanding results in the marketing arena both in getting this blog up to speed and generating his own clients at an early stage in his career. He's a real asset who takes responsibility and always delivers."

Recently, *Of Counsel* talked with Basin about his career, his hybrid practice, the blog, and other topics. The following is that excerpted interview.

Of Counsel: Our readers tell us that they're interested in why a person decides to become a lawyer. What attracted you to the legal profession, Ken?

Ken Basin: I didn't have a transformative experience that some lawyers have had, where the clouds open, and the sun shined, and suddenly I knew I had to go into law. It always seemed like a natural fit. I started my [secondary] education on a medical track. I finished all of my pre-med courses in college, and it became clear to me that it wasn't activating the parts of my brain that I have the most fun

with. I'd grown up a math and science kid, and it wasn't until later when I scored higher on the verbal section of my SAT test than on the math section that I had any indication that I should go in that direction.

I became an international relations major in college and quickly developed an interest in going into a field that would allow me to take factual scenarios and apply principles and rules to them, a lot of critical thinking. I became less interested in the investigative element, which is a big part of medicine, and more in the analytical element. The transition to law was pretty natural from there. Although I will say that my mother cried when I said that I was going to law school instead of medical school. It was as if I announced that I was going to clown school [laughs].

OC: Some people wouldn't differentiate much between the two. You graduated from Harvard Law School in 2008. What attracted you to the entertainment side of the legal profession? I suppose your growing up in LA had something to do with it.

KB: The best way to enjoy one's professional life, and by extension one's whole life, is to focus on something that is a natural area of interest. Pop culture has always played an important part in my life, and I thought that the ability to combine my personal interests with my professional pursuits would be a formula for success in both.

I think that there's a large contingent of entertainment lawyers who are creative in some fashion. We like to write or play instruments, and we realized early on that maybe we're good but not good enough to do that professionally. I liked the idea of being able to help people who are good enough to do that professionally, to promote that kind of artistic pursuit and artistic expression. Being an entertainment lawyer is, in some ways, the least demanding job in the entertainment industry because we have a sense of stability. Clients really need our support.

The industry is structured in such a way that so many people have to work hard and wait tables and maybe never make it after many, many ways. Lawyers provide an important support system for those kinds of people to pursue those endeavors to the benefit of those who watch the movies and listen to music.

Encouragement from Management

OC: You're 26, and in the two and a half years that you've been at the firm you've done a lot; you've handled several important matters, worked on a lot of cases, and written quite a bit too, both for the firm's blog and scholarly journals. To what extent does Greenberg encourage your outside writing?

KB: They're extremely supportive of me and our other young lawyers figuring out what we want to do with our marketing efforts, with our careers, with what sort of contributions we want make to society outside of the practice of law. The blog has been a great opportunity for me, but they've always given me moral and logistical support when it comes to my writing. I'm working on two articles now that are intended for eventual scholarly publication to go with the two that I've already published. They've never said, "That's great, but why don't you bill a few more hours." The attitude's always been that they're happy that I've expressed this interest in being a better-rounded person and a better-rounded lawyer, and they assumed, rightly, that it would make me a better lawyer.

OC: Well, you built a significant book of business. I'm sure that helps.

KB: I think that in general I'm part of a more precocious generation of lawyers when it comes to building business. Obviously, law has been in a transitional period for a number of years, struggling to develop an identity as a profession, as a business, as a hybrid of the two. I and a lot of the lawyers I'm coming up

with recognize that building business is just part of this job now so you may as well get into it early and find ways to enjoy it.

OC: I read a fairly long bio of you that a publicist at the firm sent me, and it's very well-written. Did you write it?

KB: Thank you. Yes I did.

OC: Nicely done. I can tell by reading it that you know how to market yourself. Many, not all of course, but many of the lawyers' bios that I've read are dry as dirt. Yours is colorful and clearly crafted.

KB: Thanks. I think that I'm constitutionally incapable of doing anything as dry as dirt. If I'm bored, I don't want to do it.

OC: Speaking of colorful, let's talk about the blog that you edit for the firm, which has a very distinctive voice. What was the genesis of *lawlawlandblog.com*?

KB: Aaron Moss, who's the head of our litigation department, someone I work closely with, and a personal mentor of mine, approached me and said, "I've been thinking that we should have some firm-wide marketing effort, and I was thinking about putting together a blog. I need someone to take command of it. Is this something you'd be interested in."

My response was, "Yes, but I want to do it my way. It's got to be done in a certain voice. I'll do this is if I can have editorial control over what's going on. I don't want to do this just as a functionary to input people's posts and that's the end of it. I want to have an active editorially role." His reaction was, "I don't think it will get done any other way."

So I'm in a unique position in that I'm in the first few months of my third year as an associate here, and I have my little fiefdom where I have authority over individuals far senior to me at the firm. I can assign topics, and give deadlines, and harass people

who aren't meeting those deadlines. But ultimately, people both inside and outside the firm have responded positively to it. There was definitely some skepticism to work through initially. Some people wondered if this was really worth their time or didn't believe that they knew how to blog.

I made it clear to all of the contributors to the blog that I'm more than happy to make myself available at every step of the writing process. I research topics and send out topics every week that people can choose from, or they're welcome to choose their own. I review drafts. Principally, my job is to write jokes. I work with incredibly smart, accomplished, experienced lawyers who know this area of law like the back of their hand, and if the blog has a consistent voice I guess it's because the firm has been generous enough to allow me to put a veneer of my voice onto the whole blog. People seem to appreciate even that, too.

Learning the Style

OC: I was going to ask you about that. Have you encouraged them to write with a certain style, and to what extent do you edit the submissions?

KB: The mission has always been to write something with a complexity level and a tone that is attractive to non-lawyers but with a level of depth and analysis that's interesting to lawyers. We view ourselves as having a dual audience, and I try to make sure that every post can appeal, to some extent, to both of those audiences. My editing role has probably diminished as the blog has persevered over the last several months because people are learning to internalize this. It's becoming much more natural for everybody. Early on, I'd get much shorter pieces, much drier pieces, and I'd be writing a lot of the humor into it. Now the lawyers, who in addition to being smart are fun and have very interesting personalities, can see that they can let loose on these things, and I'm writing less.

OC: Can you tell if this is directly or indirectly bringing in business?

KB: We haven't started working with any clients that have come in specifically through the blog. We've had a number of inquiries come in through the blog. Some people who aren't in a position to hire the firm. Some people who are in a position to hire the firm but by bad luck were just conflicted out.

But it has market value outside of one-to-one business generation. Especially for our younger lawyers, it offers such a great opportunity to start building an individual identity. People look at lawyers the way they look at prospective dates. The first thing they do is google them. I think it's important for our younger lawyers to have something come up when their name is googled that demonstrates a level of expertise and involvement in these industries. It builds a lot of credibility.

OC: Of course handling a lot of high-profile transactions and litigation cases is another way to build credibility, and you've certainly done that. When you think of what you've handled over the past two years, which case or matter stands out as something that you're particularly satisfied with and that you feel was very important?

KB: My best experiences have always been the ones in which I'm thrown in over my head and told to swim or die. I've been very fortunate to work closely with attorneys on several very complex matters and learn from them and get the benefit of their experience. But my favorite matters and cases have been the ones in which I've been able to take a very active leadership role.

There's one case that unfortunately I can't discuss the specifics of because it's a confidential arbitration, but it's a multi-million dollar arbitration between very large-scale entities. I've been given control to run elements of the case, really as a field general. This case involves some complex audit issues, complex intellectual property issues, and

I'm on a team with four partners. I've been chosen as the person most knowledgeable on certain audit issues. The clients and my colleagues at the firm look to me to understand everything that's going on with those aspects of the case, to explain it to them, and when it's time to explain it to the judge, that's my responsibility first and foremost. I relish being given that responsibility and level of trust. Obviously, I do everything to prove myself worthy of it.

On the transactional side, I've been lucky to work, again, on some very complex transactions and some very high-level clients, Tom Cruise, Larry Kasdan. Maybe the most rewarding deal that I closed was the first client I brought into the firm myself.

A pair of playwrights had written a screen adaptation of their own play, and I sold their screenplay and movie rights. I took that transaction from start to finish. It's really rewarding to see the full life cycle of the deal in that way. A lot of times on the entertainment side we see only part of a deal because we work closely with agents or managers, people who tend to get involved early on in the deal, when our role is to work with the language [of a contract, etc.] and bring the paperwork in tip-top shape. This gave me the opportunity to have a little bit different style of negotiation. When the deal was done, I felt that I really helped the client in a lot of different ways.

Advantages of a Hybrid Practice

OC: Could you talk about the advantages you have by being both a litigator and a transactional lawyer, this hybrid role that you perform? How does that help each side of your practice?

KB: Tremendously. Frankly, I can't understand why specialization has come to the point where the only people I know who regularly litigate and do transactions are Bert Fields [a Greenberg partner] and myself. It's important to know where the contracts are

likely to break down. I can see from the cases that I handle and the ones that my colleagues handle where laziness in drafting can become very dangerous, where disputes are likely to arise. People can spend so much time on the transactional side getting hung up on certain nuances of language that are never going to be relevant to anybody, but they blow through an indemnity provision because they just assume it's form language. They don't recognize that small variations can have incredibly significant consequences.

At the same time, being a transactional lawyer, I think, gives me a more business-oriented perspective as a litigator. Litigators are in many instances warriors but the clients more often than not are not warriors; they're business people and that's a mindset that's by and large more consistent with the transactional practice. So I feel that on the litigation side I'm able to better tailor what I'm doing and how I'm directing the case to clients'

ultimate real goals. I can place the case in a business context so we can make more rational decisions.

OC: Let's briefly talk about the future. When you look at the way in which your career will go, what do you see?

KB: I don't have a specific place I see myself in 10 years. I think that right now I'm in a fantastic situation at a great firm with people who are invested in me and my development as an attorney and as a person, and I think it's impossible to over-value that.

I can definitely see myself being at Greenberg Glusker in the long run and they've shown that they're willing to make that kind of commitment to me as well, even at this early stage in my career. That in itself shows that this really is a special place. ■

—Steven T. Taylor

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