

## Of Counsel Interview ...

### Helping Hollywood: Entertainment Lawyer Scores Wins for Talent

This past spring in suburban Boston, Elisabeth Moriarty sat across the table from a key witness, taking a deposition in a very important case for her and her firm's client. The witness—a well-regarded, savvy, and sophisticated lawyer—has years of experience in strategically answering any and all questions thrown at him and usually comes out on top. But not this time. He couldn't successfully dodge Moriarty's line of inquiry.

"Liz got this longtime lawyer to admit a number of things that I'm not sure any other attorney would've been able to get from him," says Pierce O'Donnell, a partner at Los Angeles-based Greenberg Glusker and one of America's most accomplished trial lawyers. O'Donnell led the trial team in the case on which his partner Moriarty was working with him. "Although I can't go into details, when I read the transcript of the deposition I thought it was a brilliant deposition. Liz has a way getting witnesses to talk. She reads people very well and is good at getting people to do things she wants them to do."

An experienced litigator and entertainment attorney with a stellar reputation for gaining good results for her clients, Moriarty represents plaintiffs and defendants in some of Hollywood's most significant, high-stakes disputes. Moriarty litigates major profit participation matters, often on behalf of talent, artists, and rights holders. Among her many big-name clients are the Estate of J.R.R. Tolkien, Academy Award-winning composer Hans Zimmer, best-selling author Clive Cussler, Marvel Entertainment, and the rights holders to the Winnie the Pooh property.

Both her partners at Greenberg and her clients are quick to sing Moriarty's praise. "Liz seems to be indefatigable; she's brilliant, a quick study, and clients love her," O'Donnell says. "She runs cases with great skill and diplomacy. She's funny and a little salty, and while she's an acute legal thinker, she's also street-smart."

So what exactly does O'Donnell mean by street-smart? He explains: "Liz doesn't just sit in an ivory tower. She knows what the ordinary person thinks and what they want, what their ambitions are and what their fears are."

Moriarty is also known for her ability to balance her career with being a devoted mother and wife. What's more, her partners angle themselves to get her to serve on their legal team. "She has it all," O'Donnell adds, referring to her family and career success. "And, she's very coveted; partners have sharp elbows when it comes to trying to get Liz on their team."

Recently, *Of Counsel* spoke to Moriarty about her career, some important cases she's worked on, life-balance concerns, women in the legal profession, and other topics. The following is that excerpted interview.

#### Late-Night Debates Lead to Lawyering

*Of Counsel:* Liz, what made you want to become a lawyer?

**Elisabeth Moriarty:** I started out in college as a bio-medical engineering major, believe it or not. At the time, I was at the University of

Rochester. I was a science geek through and through, and I wanted to make a difference in the world making artificial hearts, prosthetic devices, that sort of thing, saving lives with technology.

My friends and I would have these late-night debate sessions, those meaning-of-life discussions and debates that seem so important, especially when you're in college. Invariably, people would tell me: You really should be a lawyer. After hearing it so many times, I finally felt like a light bulb turned on. I ended up leaving Rochester and transferring to Albany [the State University of New York at Albany], which was seemingly more of a liberal arts-type college. I just wanted to find myself because I heard it so often: You really should be a lawyer. I guess my friends convinced me that I have a knack for persuading people that I'm right and that led me to make a career switch. It really isn't that big of a leap, if you think about it. I'm still trying to make a difference, but I'm trying to do it in the legal system as opposed to in medicine and science.

**OC:** Yes, because as a lawyer you are making a difference in people's lives.

**EM:** Right, being an advocate for someone who has put their trust in you gives you the ability to profoundly impact their lives, not medically, but it's a similarly huge responsibility. It's also similarly hugely rewarding.

**OC:** So, you got your English major degree at SUNY Albany. At that point, when you graduated, did you know that you were going to apply to law schools?

**EM:** I did. Again, that light bulb turned on inside my head. I realized that I liked arguing through ideas and formulating those sorts of concepts, and that naturally took me to the law. So I went to law school at UCLA.

**OC:** What did you do when you graduated from law school?

**EM:** I came straight to Greenberg. I was a summer clerk here back 100 years ago in 1990, and I've been here ever since except for a brief stint, a sabbatical, where I left the practice of law. I was trying to buy a ski area with my now-husband; it was a short detour that I took back in 1999. But, other than that, I've been at Greenberg my entire career.

**OC:** And at Greenberg you gravitated toward litigation and specifically entertainment law. Why did you move in that direction? Obviously, your location in LA has something to do with it. Was there something else?

**EM:** You're right that entertainment is the beating heart of Los Angeles, so it's fun to practice in an industry that is so integral to the city. At Greenberg Glusker, we have both an entertainment transactional department, and we have a strong litigation practice so there's a nice synergy there. I naturally gravitated towards that.

What I love about litigation generally and entertainment litigation in particular is that every case presents a completely new challenge. There's always something new and exciting in the entertainment industry. It's always in constant flux. As technology has developed a lot has changed. Look what it means today to be a celebrity. It's a lot different than it was 50 years ago. With social media, celebrity is different now, and the way you experience content is different. It's a whole new world. It's impossible to become bored or get in a rut when you're an entertainment litigator. The matters are like snowflakes. There are similarities, but no two are the same. It's exciting, and you always have to be on your toes. I love that.

## Fighting for David against Goliath

**OC:** I could probably guess at your answer to my next question, but of course I'd rather you tell me: Why do you usually represent the talent—the artists, actors, musicians,

directors, writers, etc.—rather than represent the large, wealthy production companies?

**EM:** Well, I've done both. But I guess one reason [why she leans more towards the talent] is because it's a large part Greenberg Glusker's practice and client base. We represent more of the talent side. I guess it's more of a collaboration when you're working with the talent. It's very rewarding to actually be working side-by-side with the person you are advocating for and representing. What did you think I was going to say? [laughter]

**OC:** I thought you might say something about how you like to represent the artists because, compared to the big production companies, they're more like the little guy.

**EM:** You know, that's true too; I do get satisfaction from the David-and-Goliath [encounters]. I worked with my partner Bert Fields on the Clive Cussler case [representing the best-selling author Cussler in his dispute regarding the motion picture version of his novel, *Sahara*]. We were in trial for 14 weeks against the production company. It was our small, sharp litigation team against a juggernaut of 120 timekeepers on the other side. So you're right there's a little bit of that as well, and it *is* rewarding. But working for production companies can be rewarding too, obviously.

**OC:** Who was that juggernaut? What law firm did you go up against?

**EM:** It was O'Melveny [& Myers, the 700-plus-attorney global firm based in Los Angeles].

**OC:** I'm sure that case was really important to you. What other one comes to mind as being particular challenging or satisfying or legally important or just plain compelling?

**EM:** Well, all of the work that I've done for the Tolkien estate has been incredibly rewarding and had its own set of challenges. Way back in 2008, I had the big profit-participation

lawsuit brought by the Estate of J.R.R. Tolkien against Warner Brothers regarding the six "Lord of the Rings" films at the time. It was sort of a landmark case. Warner Brothers was saying that there were zero profits to participate in on these enormously successful films. There were a lot of interesting aspects to that.

Currently, I'm still working on a Tolkien estate matter in their ongoing copyright dispute with Warner Brothers. The interesting thing about entertainment litigation is that there are a wide variety of disciplines involved. On a single case you'll have contract law, intellectual property law. You might have some labor issues you're dealing with. The First Amendment crops up. I tend to work on these larger high-profile entertainment matters, and what's fun about them is that there's a confluence of issues that come together spanning a wide variety of disciplines.

What I've been working on of late—something that's sort of unusual for me and demonstrates the snowflake aspect I mentioned earlier—is quite interesting. Even though our law firm doesn't have a family law practice, we've been able to translate the experience and expertise that we have in handling intense, high-profile entertainment litigation into a new practice area where we've been partnering with family lawyers and complicated, high-stakes, contested divorce proceedings.

These involve high-net individuals, and individuals in the public eye, so a number of my colleagues and I have been developing this new practice that's an offshoot of our entertainment expertise. We've found that we're uniquely well-positioned to handle such matters. There is a lot of overlap that I wouldn't have thought of initially.

**OC:** We started our conversation talking about your educational background at Rochester. A question comes to mind: To what extent, if any, has your scientific background come into play in the work that you do as a lawyer? I'm thinking that perhaps

your experience with the scientific method has helped. But I'm just wondering, of course.

**EM:** Let me think about that for a minute.... Yes, I guess so. I don't know that I would ever have thought of that if you hadn't brought it up. As a litigator, you need to be able to dissect the facts thoroughly. You've got this case with a wide berth of facts and a number of witnesses and you need to be able to listen to what the facts and the witnesses are telling you and find the core themes that lie at the heart of your case and how they work within the larger rubric of the law. I think there are some similarities with the scientific method in actually taking this mass of facts and making your case and later telling your story in a compelling way. So yes, I think so.

## Progress but Work to Do

**OC:** I want to change topics again, but thank you for considering and answering that question. I was hoping you could weigh in on where you think the legal profession is in regards to women associates and partners. To what extent does the glass ceiling still exist? Have we had any evolution, or do we still have a ways to go?

**EM:** Okay, so let me first start wide and then I think I'll get to where you are [with the question]. One of the things that I notice the most and is a constant source of dialogue among my colleagues and me—and it's not exclusively a women's issue—is that the struggle to maintain a reasonable work-life balance lifestyle seems to be particularly acute with women. That affects marketing and it affects billing practices and it affects perception within your firm and outwardly with your opponents and even your clients.

It seems to me that women lawyers generally tend to face a more difficult challenge than their male counterparts do in trying to reconcile career goals with family demands. First of all, women often end up having to sacrifice one for another. This seems to be particularly true in firms that are a little bit

more old-school, with male-dominated leadership groups that might not recognize the huge demands that are sometimes placed, seemingly more on female associates, both at home and in the workplace—as well as the demands that we place on ourselves, quite frankly.

It's getting better, I guess, because law firms are becoming more flexible with flex schedules, part-time options, and technology has been a huge help with the ability to plug in and work from home, late at night, if you need to. This has all made a huge difference, but I'm still sensing that at a lot of firms the female lawyers are reluctant to leverage those new flexible policies and take full advantage of things like part-time options because of their fear of professional repercussions. There's a worry that lawyers who might opt for part-time schedules are perceived as less serious, less committed to their profession in comparison to their full-time colleagues. If you look at it, men rarely go part-time when they have children.

So it does break down along gender lines, and it definitely has an impact on marketing. It's said that the best time to market your practice is between the ages of 35 and 50. Well, typically that happens to be the years during which people are trying to raise a family and do it right. And, you're trying to be 100 percent committed to your clients and 100 percent devoted to your family—and that's a real struggle.

**OC:** Have you seen any improvements or, on the other hand, have you seen any rollbacks of any progress made? Or, has it remained about the same over the last decade or so?

**EM:** I think there have been huge strides. It has become an issue, part of the dialogue. Before, I don't think it was. We have a diversity committee here and a women's pod [to help the female attorneys market their practices, among other things]. We have periodic dinners where we sit and talk about these sorts of challenges and how we can do things better. I think that's happening across the industry.

But what also has to change is perception and culture. As I said, there's still a reluctance on the part of women lawyers because they're concerned about what happens if they actually take advantage [of flex schedules, etc.]. They think: Is this going to be the death knell for me for equity partnership, if I take a period of time and have a flex schedule? So I think it's better but there's still a ways to go. I also think marketing is changing a little bit, too. That is, team marketing is a relatively new approach that opens up new opportunities for women in particular to approach things as a team rather than having to shoulder the burden of marketing on their own with everybody in their own silo doing their own thing.

### **Not a Hard-Sell Marketer**

**OC:** You've mentioned marketing a couple of times so let's use that word as a segue. What do you do, either on your own or in the team marketing concept that you mentioned, to market the entertainment practice?

**EM:** When I first started out I realized that the traditional wine-and-dine, take-someone-to-a-ballgame marketing approach did not work for me. It wasn't something I was comfortable with. It had a hard-sell feel to it. It reminded me of when I was in high school and worked at The Gap, I'd be at the register and I had to say, "Would you like a pair of socks with that?" [laughter] The thought of going to lunch with someone with the ultimate goal of asking, "Will you send me some business?" felt stilted to me.

One thing Bonnie [her partner, Bonnie Eskenazi] helped me fully understand is that clients look for attorneys who they like and respect personally, who they trust, and then you get to showcase your skills and demonstrate that you can perform. It's an evolution and it's about building relationships, and the way to do it the best—instead of just adopting a persona and doing a hard-sell—is to find what you're passionate about and connect with people who share those interests. That was a revelation for me, and that's the approach I try to take.

For example, one of the things I'm passionate about is education. It started with my daughter's preschool but even in general I really care a lot about children and education. I asked myself, "How do I leverage that passion?" So I looked at the school environment. I realized that many of the parents of children in the west side schools are in the entertainment industry. They all have similar interests and they're also potential referral sources. It was right there in front of me, and it was organic.

**OC:** Is that one of the reasons that you're on Board of Directors for the Seven Arrows Elementary school?

**EM:** Exactly, and the thing is, it's a win-win. I'm devoting time to something I care about, but I'm also working side-by-side with people who share my passion for education and who happen to be industry folks. And, we make a connection there.

**OC:** Finally, Liz, as you look towards the future what do you see on the horizon for you and your firm?

**EM:** I think for the firm, and I don't know how intelligently I can talk about this without thinking about it more first, but I will say that we are starting a new practice group to deal with cyber issues and piracy issues. I think that's going to be a huge area of focus.

Another area that we'll be working in has to do with cannabis and the legalization of it. For example, Bonnie is outside general counsel for the estate of Bob Marley and she's worked on a groundbreaking license of Bob Marley's name, likeness, and brand in connection with cannabis to be sold in states where it's legal. That's a new frontier.

And of course, we'll continue to do all the good work that we do to serve clients in many areas. ■

—Steven T. Taylor

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