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CAREER SPOTLIGHT: CARRON MITCHELL

Carron Joan Mitchell is a partner in Nixon Peabody LLP’s Entertainment practice group, based in the firm’s Los Angeles office. Carron has extensive experience representing clients in the entertainment and sports industries, including recording artists, music producers, songwriters, actors, content creators, professional athletes, entrepreneurs, startups, established companies, and other entertainment industry professionals. Carron represents clients in a variety of transactional deals, including, but not limited to, the negotiation of agreements for music recording and distribution, publishing, touring, merchandising, sponsorship and endorsement, NIL, talent and production, television, talent representation, licensing, content creation, and content monetization. She is also a Certified Contract Advisor with the National Basketball Player Association (NBPA) and National Football League Players Association (NFLPA), serving as an agent to professional athletes.

QUESTIONS & ANSWERS

1. Please briefly explain your career path and what led you to your current position.

I honestly never grew up thinking I would be an attorney, or even work in the sports and entertainment industry. However, I always had a passion for being creative; I made music, wrote songs and poetry, painted, and did photography. I was athletic, loved sports and fitness, and ran Division 1 track & field at the University of Pittsburgh. I was on a pre-med track in undergrad before I accepted the fact that I did not actually want to be a doctor. I can thank my Student Athlete Advisor for the countless conversations he had with me, where I tried to discover what it was that I actually wanted to do. I switched my major to English Writing with a Journalism track and Communications. I then did an internship with a local radio station that led me to meeting a music industry executive and obtaining a summer internship at Sony Music in New York City. From there, I met an Artist and Repertoire (A&R) executive who would let me sit in on meetings and listen in on phone calls of him trying to sign talent. When I asked him, “If you could do it all over, what career would you choose?” he replied, “I’d probably be a lawyer; they run the industry.” That is what sparked my interest in the legal and business side of the entertainment and sports industries. I took the LSAT and applied to law school with the full intention of either being a sports and entertainment attorney, sports agent, or just working in either field in a business capacity. I knew there was no other industry I would be interested in working in. I attended law school with this laser focus, ensuring that every internship helped fuel my passions for music, sports,
and entertainment. My first job out of law school was at a boutique entertainment firm in NYC. After that, I moved to Los Angeles, where I started my own practice and built a book of business. Then, Julian Petty, a mentor of mine and a Partner at Nixon Peabody, LLP who lead their entertainment group, reached out and asked if I had an interest in joining their practice. I could add a lot more color to the story, but it would be the length of a book, so the rest is history.

2. What is one of the biggest misconceptions in your industry?

The biggest misconception is probably that working in the entertainment and sports industry is all fun and games. Don’t get me wrong, it absolutely is fun, but that comes from working in an area where you have a genuine interest. If you are genuinely passionate about the issues that you work on, then any area of the law can be fun and exciting to wake up and work in every day. However, I think people seek the glitz and the glam, the shows and the games, but don’t realize that a lot of the events people in my industry attend are for work purposes. I might be at a concert, but I am there to have facetime with clients, executives, managers, and agents. Sometimes meeting a client at a studio, after a game or concert, is the only time you will be able to meet with them in person, due to their demanding travel schedules. Most of the conversations that take place at these events are business forward; they just happen to be taking place in a fun location.

You are not only dealing with complex legal issues that are constantly developing with new technology, but when you mix that with strong personalities and a very fast-paced, cut-throat environment, you will realize how multi-faceted of a professional you need to be in order to thrive in the sports and entertainment industry. There is a very high volume of workflow, especially in your early years. There is an insane number of contracts you will read and review on a daily basis. Combine all of this with non-stop emails and phone calls—you really have to be a high functioning individual, who is able to juggle multiple tasks all of which require a high level of thinking.

Keeping yourself abreast of the developing legal issues, the ability to produce high quality work product, strategically thinking for the advantage of your client, and maintaining a strong social network of relationships allows you to connect not only with talent but with business professionals—these are all key characteristics to thrive in this area of the law.
3. What was the first professional “win” that made you confident that you belonged in your specific role or the entertainment industry overall?

My first major “win” was representing a friend from college, who is a music producer, in the negotiation of their worldwide music publishing and administration deal with Sony Music Publishing. This friend was a person I had collaborated with in my earlier days as a songwriter. We used to make beats and record songs together on Garage Band in their dorm room. What made it even more amazing, was that the A&R executive who was signing them was the same executive I had interned for years prior, and the one that inspired me to go to law school and become an attorney. This deal was a full-circle moment, and it solidified that I was exactly where I needed to be and doing what I was intended to do.

4. How is the music industry responding to recent technological trends and innovations, such as the use of Artificial Intelligence (AI) to produce music that mimics a particular artist’s voice and/or style?

There have been very different responses to these new AI innovations. In some areas of the music industry, AI is revolutionizing workflow productivity and is welcomed with open arms. In other areas, people are seeing it as a direct insult to creativity and a threat to authenticity. I recently had a client use an AI tool to strip a vocal performance from a demo of a song in a YouTube video. They then separated it out from the production and music and into a single vocal stem file, and used that as a sample in a new song. From a creative standpoint, this idea is incredible! From a legal standpoint, AI opens up questions of copyright law and what is and is not protectable if an AI tool creates the product. Provided we set boundaries that do not impede someone’s rights to control their creative art and vocal identity, I think if and when it is used properly, AI will positively impact the music industry. It is going to be very interesting to see where things go.

5. How do you stay up to date with the ever-evolving entertainment law landscape?

I try keep up to date with all the trends and developments in the entertainment industry. Every morning, before checking my email, I review the industry trade sites. I might even check the music industry blogs, with almost the same frequency that I check my Instagram or TikTok account. I also use social media as a tool for discovery on new
music, technologies, and trends. You would be amazed at how much information you can learn, or at least be introduced to, whether or not it is accurate. What you find on social media can be a great starting place to continue further research.

6. What are the most common legal challenges or issues that businesses and individuals in the entertainment space encounter, and how do you help clients address them?

I think one of the greatest challenges in the business is pushing the envelope on deal structures and the way creatives do business. Parties often get stuck in their ways and fall into what everyone perceives as “common practice” or “industry standard.” I like to disrupt this way of thinking. We cannot just disrupt the industry with new technologies. We also have to be innovative on the business side and disrupt how we structure deals. Things are certainly tipping in the favor of creatives, as they have greater access to the tools needed to build their own careers. I find that creators gaining more access to these types of tools have forced companies to be more receptive to the disruption of deal practices.

One of the most common legal challenges we still encounter is ownership over the intellectual property. From there, the next issue is the grant of rights to exploit that property and the limitation of rights restricting certain levels of exploitation. These issues all stem back to disruption of what was once an “industry standard” deal. Intellectual property rights are still one of the most foundational issues that I deal with on a day-to-day basis, no matter what kind of deal it is and who the talent is.

When it comes to general business issues and challenges, there is a lot of managing expectations in my industry. You never want any client to feel as though their art is less valuable or important than the next person’s art and talent, and most people do not want to hear that anyway. The unfortunate reality is that many companies push this feeling onto the talent by virtue of the financial-focused aspects of the business. Fighting for the talent’s art and simultaneously explaining that they are in the music business is a challenge. Afterall, the purpose of “business” is to make a profit.
7. What is the relationship like between artists and digital distribution or streaming platforms, such as Netflix, Hulu, Apple Music, and Spotify, and what do you hope that relationship will look like in five to ten years?

An artist’s success starts with discovery. People need to actually hear the music or see the talent in order for a career to be built. Streaming platforms are critical to this success for an artist. I read a statistic that said there are 100,000 songs uploaded to digital service providers every single day! As an artist, imagine having to cut through the noise so that your song is the song that people choose to listen to that day. Imagine the business team that needs to put that artist in a strategically marketable position, so that a fan decides to click on their client’s song. You can be the most talented person in the world, but if no one hears your music, how will you ever earn that title?

The digital service providers (DSPs) are oftentimes the gatekeepers to discovery. The relationship between the artist and the DSPs is so important from a supportive standpoint because that relationship allows for your artist to get placed on the top of a new music playlist or get featured on a billboard in Times Square or other major markets.

Social platforms like TikTok and Instagram also serve as huge discovery tools for new music. For example, TikTok realized the importance of its ability to market new music when it launched SoundOn, a new platform on TikTok for music creators to distribute music.

Even across the video-on-demand streaming platforms like Netflix, Hulu, and Amazon, you will see music and media intertwining in both the scripted and unscripted content spaces. In the next five to ten years, I imagine many of these companies will develop a direct distribution channel, where artists no longer need to go through a third-party to distribute content and music on their platforms.

8. What is some advice you would give to law students interested in working in your field and what are some action items they can execute now to stand out?

Take advantage of being a student and the opportunity it gives you to learn from professionals. You are given a lot more grace as a student, because once you enter the professional world, you are expected to know your stuff. That is not to say that you won’t still have mentors that teach you along the way, but I found that as a student, I was able to gain advice from professionals at higher levels more than when I was in my first few years of practice.

In order to stand out, you want to add value to those interactions that you do have. Whether that is through amazing work product as an intern
or summer associate, or through an introduction to someone that an executive is trying to get in touch with, when the relationship feels like a two-way street, you are more likely to stand out and leave a lasting impression following a simple informational phone call.

Finally, you need to have a genuine passion for the industry. Again, it is not the easiest business to work in. If you want to practice in the music, entertainment, and sports industries, you have to love the industry first and immerse yourself in the business. Otherwise, it will be a challenge to stay committed during the times that are not so glamorous.