

{Intro Music}

This is the Institute for Music Leadership

**Tessa:** Hey.

**Stephen:** Hey, how's it going Tessa?

**Tessa:** Good, how are you?

**Stephen:** Oh, I'm fine. How are you?

**Tessa:** Hanging in there.

**Stephen:** Yeah.

**Tessa:** Excited to wrap up this semester, you know.

**Stephen (narration):** Welcome to another episode of Create. Inspire. Lead. I'm Stephen Biegner. You just heard Tessa Nojaim who is going to be conducting today's interview. And she'll be interviewing this man.

**Stephen:** Here, let me let Ari in, I guess. What a nice... All these people who have, like, such nice pictures on their Zoom when they first log in, and I'm just a schlub. Hi, Ari. How are you? Can't hear you...

**Stephen (narration):** Er...we had some technical difficulties at first. But, after logging out and logging back in -

**Ari:** Take two.

**Stephen:** Take two. There he is. There are those dulcet tones.

**Stephen (narration):** That's better. Ok...Where were we? Right. Tessa will be interviewing this man.

**Ari:** My name is Ari Solotoff and I am the founder and an attorney at Solotoff Law Group here in Portland, Maine.

**Stephen (narration):** Ari launched his firm in August, 2020, but he's been a lawyer for about 5 years. Before that, though, he worked for 10 years in the orchestra management field.

**Ari:** ... Mostly in leadership positions at symphony orchestras in Pensacola, Florida, the Louisville Orchestra, the Portland, Maine Symphony Orchestra, and then the Philadelphia Orchestra. So I definitely saw a lot of the country through working with classical music organizations before pivoting to law.

**Stephen:** And do you perform as well?

**Ari:** Not currently, no. I have a piano at home that I stare at longingly.

**Stephen (narration):** Thankfully, Ari took a little bit of time to stop staring longingly at his piano and answer a few questions from Tessa. Tessa is majoring in Tuba performance and she's also pursuing a law degree. In fact, at the time of this taping, she was just getting ready to submit both law school applications and grad applications to music schools.

**Tessa:** So I started my applications, they're due in January. But I don't know, I guess I just have to fill them out. That's basically it. But yeah, I submitted on my music grad school stuff on December 1st.

**Stephen:** Ao you're still applying to two music schools as well and sort of straddling both worlds?

**Tessa:** Yeah, I'm trying to find a school that will let me pursue both at the same time. But it's more of, I have to get accepted into both programs and then beg administration to let me create my own program.

**Stephen (narration:)** She just took the LSATs, or Law School Admission Test. She actually took it twice, but during her second go, in probably one of the most relatable 2020 pandemic Wi-Fi moments:

**Tessa:** The first time it was good, the second time my Wi-Fi connection died and I had to cancel my test scores. So.

**Stephen (narration):** From what I know about Tessa, I think that even with just one set of LSAT scores, she'll probably be fine. Tessa is in the Arts Leadership Certificate Program, and this past fall, she arranged a special internship with Ari to learn more

about how to marry her interests of music and law. And as you'll hear, Ari was the perfect person to learn from. The two fields aren't as disparate as you'd think, and Tessa and Ari's conversations reveal a side of music that maybe more musicians should think about, especially in the ever changing media landscape with YouTube, Spotify, and whatever might be coming next.

So, now that you've heard the opening argument, we'll hear Tessa cross-examine our witness and find out more about how Ari made the switch from orchestra manager to lawyer, and what types of things he works on that affect musicians in today's world.

Now, as usual, I will try to leave the interview uncut and uninterrupted. But stay tuned at the end. Ari had some great advice for students who may have questions about copyright and licensing. There are some wonderful resources you can - and really *should* use - rather than just Googling the answer. So, stick around to hear that.

Anyway. Here's Tessa and Ari.

**Tessa:** All right. So I just have a few questions. But the first question is, I guess, before going to law school, you worked at a few orchestras. Could you tell us a little bit more about your time in the classical music world?

**Ari:** I look back on my time with symphony orchestras with incredible fondness and appreciation. It's absolutely the basis for what I do now. And the fact, actually, that I can do what I do now as a lawyer and still be involved in the classical music industry is to me the great reward of this work. So I started out as an intern in the San Francisco Symphony's public relations department. This was at a time when, this is about 2000, my job at the time was to come into Davies Symphony Hall twice a week and to cut and paste the newspaper articles that would be written about the San Francisco Symphony. Usually reviews written by Josh Kosman, feature articles written about upcoming guest artists who were performing, or about Michael Tilson Thomas, and then articles that would appear about MTT in the San Francisco Symphony, you know, in the Miami Herald because of his relationship with New World Symphony. So my job was to cut and paste all these articles, I would paste them onto pieces of white paper, legal size paper. I would compile them all, go into the copy room and I would photocopy them into a single press packet that would be distributed to all of the senior leadership of the San Francisco Symphony's administration and board. So that was my job. Of course, my job became obsolete at the very same time because Google had just been invented or started as a company a couple years before. But for me, it was really a way into understanding the classical music business and how orchestras function is as nonprofit institutions, as arts organizations, as ambassadors of their community, and really as this

hub of cultural life. In this case, the San Francisco symphony being kind of the hub of the classical music community in the Bay Area. And so I was also a member of the San Francisco Symphony Orchestra at the time. I was still performing as an oboist in the YO. And it was from there that I went into the League of American Orchestras, the orchestra Metropolitan Fellowship program. I applied and was accepted. I was a little bit entrepreneurial at the time. I was both the PR intern at the San Francisco Symphony and an intern with the Berkeley Symphony Orchestra, and I was the orchestra manager of our university's symphony orchestra. So it sort of felt like I couldn't get enough of orchestra management and I wondered how I actually got my academic work done. But it was clear that I loved classical music and just wanted to be around it in whatever way that I could. So I did participate in the Orchestra Management Fellowship Program and their work with the Aspen Music Festival. The fellows at the time, each one would manage one of the orchestras. So I was the manager of the Aspen Chamber Symphony. So for nine weeks I worked with all the different guest conductors who came through and all the different guest artists who came through. And quite honestly, it was life changing because that's where I met, you know, conductors like **Osmo Vänskä** and David Zinman and David Robertson and, you know, JoAnn Falletta. And through all of these wonderful musicians who come together every year in the summertime in Aspen and make music, those relationships have really carried with me all from that time. I think that's one of the most special parts about working in classical music- are these special relationships that we form with our fellow artists and musicians and colleagues across the country. So I did that for the summer and then I worked at the Pacific Symphony in Orange County, California, and then the Dayton Philharmonic. And then I finished the year with the Pittsburgh Symphony in Pittsburgh. And then I was offered my first position as executive director of the Pensacola Symphony Orchestra. So, yeah, you know, the work really continued on from there. I dug into orchestra management and learned, you know, every aspect of what it takes to see these organizations come together and flourish in their communities. It was through that work that I found a curiosity in the law.

**Tessa:** Awesome, sounds like you're doing a lot. So that actually brings me to my next question. What made you decide to go to law school and pursue intellectual property law? And what was involved in making that switch from musician or orchestra director to lawyer?

**Ari:** Yeah, you know, it was not one of those light bulb moments. I think it was something that started out as a combination of curiosity. I really wasn't even looking to make a career change. In my time with the Portland Symphony Orchestra a number of years later, we were deep in collective bargaining with our musicians. And the task of actually taking all the things that we had discussed at the collective bargaining table and

actually integrating them into the collective bargaining agreement had to fall to someone. And that someone happened to be me. You know, the person who had both participated in the negotiations and also needed to try to find a way to put all of this into language that all the parties could understand and agree to. And it was really in that process that I both kind of connected with, I would say the art of lawyering, and then also, you know, our actual lawyer, our labor attorney, who we spent a lot of time thinking about what it was that we were putting in writing, what the consequences of that would be, whether it was clear. And what it would mean to follow this language in years to come. And so the process of actually both negotiating, documenting and working through what is, you know, functionally and practically a legal process. Really fell into my lap. It was also the same time that we, I wondered a lot about just the media. And why did the media seem so complicated within classical music? Like why did it seem so challenging to record the orchestra and to put that out in a form that our audiences could engage with? In fact, we had a volunteer at the time who came and took this symphony's entire archive of tapes and digitized them so that we could release a two CD donor 'thank you' set to our donors. And it was at that point in time that we really had to engage with the question of, you know, what did our musicians allow us to do under our collective bargaining agreement in terms of creating a media product? So that's where the curiosity started. I then moved to Philadelphia and worked with the Philadelphia Orchestra and dug very heavily into the orchestra's strategic plan or the work that we were doing to move the orchestra forward financially and artistically. We had a new music director that had been announced, Yannick. And the same question came up. You know, the orchestra had this legacy with Eugene Ormandy of recording, you know, all of these works in the catalog. And at one time, those recordings were a very substantial source of income for the Philadelphia Orchestra. And yet that had changed. And so, same thing- the media was a part of the question that I was working through. And then, of course, you know, as was publicly reported, I mean, the Philadelphia Orchestra went through a very challenging period, ultimately filing for Chapter 11 bankruptcy and then moving through that process and then coming out of bankruptcy. And so my job at the time really was to be working almost at the center of that process between the orchestra administration and our team of lawyers and, you know, my colleagues in our senior leadership to weave together a business and legal process that would help the orchestra to emerge in a more financially stable position. So everything that I touched, every day had a legal implication to it, whether it be real estate leases, pensions, our collective bargaining agreement, the media issues, employment matters. Every aspect of it, even down to the bylaws of the Philadelphia Orchestra. You know, every aspect had some legal hook to it. And so it was really at that point in time where I had said, well, you know, I think I would like a graduate degree. I didn't feel like an undergraduate degree was enough. My undergraduate degree being in classical languages from UC Berkeley. And I felt like I needed another

degree, and I debated between an MBA or a law degree and ultimately settled on a law degree because it felt to me like that was going to help me fill gaps in my knowledge that would allow me to be a more articulate and more effective leader. And I think at the end of the day, my decision to go to law school was really driven by a desire to be a more attuned and considerate leader, given the complexity of issues that orchestras were facing and have continued to face. So it was that question that led me to law school. And we simply just decided to come back to Maine where we had been living before. It was just the place for me to go. So I saw law school really as a means to an end. It was just how do I obtain a law degree in order to get to the next stage without actually fully thinking through what that next stage would be. Given that one doesn't usually go to law school without simply acknowledging that you're going to become a lawyer. So I went through law school without really knowing whether I would practice law. And not only whether I would practice law, but like what area of law would focus on. And it wasn't until I left law school and joined a law firm and started to think about this question of how do I weave together my prior life and my law degree that all of a sudden what emerged to the surface was intellectual property. And it became clear that, for me, intellectual property was the area of law that would allow me to both provide service to clients in the form of legal services, but also be able to bring forward all of the individual and practical knowledge that I had of working in classical music to the clients that I that I work with on a day to day basis.

**Tessa:** That's awesome. So you talked about your time in law school a little bit. Is there any advice that you would give a student considering a profession in law?

**Ari:** Well, I think it is to approach it first with that sense of curiosity and for students who are thinking about law practice to be thinking about what is it about the law that attracts them to studying law? Is it the ability to serve people who are underserved? Is it the ability to engage in a sort of a professional services capacity that allows you to work with leaders of an organization or decision makers? I think that, you know, we don't realize how much we hear about the law every day on the news and, you know, in the newspaper and recognizing that, you know, a lawyer plays a role in that process. You know, may draw an individual to law school to say, how do I get closer to answering those questions of what role the law plays in our system than in our economy. But in terms of individual practical advice, I think, you know, is there can you sit in on some, you know, some law school classes nearby and just audit and listen to kind of the nature of the conversation and talk to students and professors, I think. You know, one of the phrases that I use a lot with clients and generally is due diligence. And it applies for law school, too. If you're thinking about law school, how can you do your due diligence by interviewing the law school, right? That you may be going to and saying, is this law school a good fit for me? You know, you think they're interviewing you. You're

interviewing them. And the more that you can approach not only that decision, but I think other key professional decisions with that kind of mindset, I think the closer it you'll get to kind of what it is that you want to do and what's a good fit for you.

**Tessa:** Definitely. I think that's great advice. Thank you. So you mentioned before that media is constantly changing and so is technology. So what is it like being an intellectual property lawyer doing covered, especially with the boost in virtual performances and at home music production?

**Ari:** Well, even before even before the pandemic, if we just take music and kind of the arc of music over the last 20 years. We had Napster, you know, arrive in the early 2000s and that was our first, kind of big tension between music and technology and intellectual property. And it just so happened that I, at that time, was working at Tower Records. So I would go to work at Tower Records in the evening part time as a student, as a part time job. And then I would go home to the dorm and all of my fellow students were downloading the very CDs that we were selling in the store. So you knew something was not lined up. And sure enough, you know that that has transpired because of copyright, because of intellectual property. And then, you know, then technology shifted and then music changed. And Apple introduces, you know, the iPhone and the iPod at the time to carry all of this music. We used to carry our music in like CD binder's to be cabled to hear multiple pieces of music at any given time. You hear these stories of people leaving their CD binder in their car and it being stolen. You know, that that couldn't even happen anymore. So anyway, yeah, I think that this relationship between music and intellectual property and technology has been playing out over, you know, it's been playing out for 100 years. So, you know, in our lifetime, the last 20 years. And so then streaming rises as a source of some consumption of music since, you know, in the last four or five years and then all of a sudden the pandemic hits. And, you know, what music has relied on, which is the live performance experience, is suddenly, you know, in most cases actually illegal. Like, one cannot put on a concert. And if you think about that for a moment, it's pretty remarkable. So coming into the pandemic, there was this question of how will everybody, you know, maneuver into a virtual space? And what are they going to need to do in order to both, you know, succeed or continue as an artist and to sustain themselves as an artist, but also comply with the law. So here was another moment in time when technology and music and intellectual property and now global events are coinciding in a way that are totally unpredictable. And that's how that's how innovation happens. It's how organizations evolve. And so what an interesting time to be an intellectual property lawyer, because all of a sudden these new questions have come up about, what can you do with music in a digital setting? How do you go about it? Who do you need to talk to? What rights do you need? And I was saying to someone recently that it just so happens that, you know, we happen to launch our law firm at the

very same time when organizations, classical music organizations, presenters, artists across the country were suddenly interested in copyright. And so it's really resulted in an incredible opportunity to work with some amazing clients across the country on thinking about the role that copyright plays and licensing plays in evolving their strategy of not just survival. But I think, you know, we'll be a permanent shift in the way that arts organizations present themselves to their communities and their audiences. So that's just the music piece. Above and beyond that is as an entertainment lawyer. I consider myself a bit of a generalist. So I work in film and TV, literary publishing, music, digital media. So everything from podcasting to how books are being published, how media is being distributed on TV and on digital and social platforms, all of that is at play on any given day. So it's been really exciting and I think it's going to continue to evolve as we move through this.

**Tessa:** Definitely. The Black Students Union at Eastman actually over the summer put on a virtual performance and we were super lucky to have Ari help us obtain some licenses for the music that we wanted to perform. So that was really exciting, thank you again.

**Ari:** Yeah. And actually, I'll mention, I think what you, Tessa and the Black Students Union accomplished there was central to recognizing that digital performances have lowered the barriers to access that remove, and I think, you know, help to address issues of continued oppression in communities and cultures and races that have not been able to present themselves or their music up until now. So I think, you know, that kind of movement is what we're seeing. And the digital platform is opening up access in ways to music and to people and to individuals of diverse backgrounds that we haven't seen yet before in classical music. So you are on the cutting edge of helping to make that happen.

**Tessa:** Yeah, it was an exciting project, so hopefully we can have more of those going forward. Awesome. So you also are an adjunct professor in law and music at Eastman. What made you decide to pursue teaching and lecturing here as well?

**Ari:** I love teaching. I am so honored to be a part of the Eastman community in particular. I feel fortunate to be able to work directly with students in Rochester and now really globally. Because there is this amazing combination of students who have incredible musical skill and at the same time enormous curiosity to understand how to apply those skills in multiple ways. And so Eastman has been wonderful about, and the IML program in particular, creating space for musicians to explore those interests as leaders and as well as future practitioners. And for me, I feel like equipping students with knowledge of copyright and the impact of law and music is absolutely vital to their

success as future professionals. So what I love about teaching is it, first of all, keeps me on my toes and ensures that I stay up on what's happening and in each of the areas that we cover in the class. We talk about everything from contract negotiations to nonprofits to music publishing and recording and licensing. And so it allows me to have a space in which to share that knowledge. And I learned from the students. They ask questions. They think about things in new ways. I've been amazed with some of the projects that students have submitted as part of the class of thinking about how to be entrepreneurial. And for me, the teaching is where I get to take what I do every day and share that knowledge in a meaningful way with the students in the community.

**Tessa:** So we're super lucky to have you here at Eastman, and I just have one last question for you then. Are there any skills that you brought with you from your career in music over into your career in law?

**Ari:** Instrumentation. I work with a lot of composers and when we talk about commissioning agreements, I think I understand what they're trying to put on the page, hopefully a little bit more than the average lawyer. But in a more practical and serious sense, you know, I think, listening is what comes to mind. You know, I think that as musicians, we're trained to be good listeners. And as a legal professional, as a lawyer, I feel like a lot of my job often is to listen carefully for both what's being said and what's not being said. And it's kind of like, you know, the rests in the music, you know, can be as meaningful as the notes on the page, and so that listening translates into having a sensitivity to the challenges that clients are facing, having an ear for what their goals are, and then also listening carefully to what the actual facts are that really governs so much of what we do in the law. You know, the law is a tool. It's a framework. It's a mechanism for helping to sort out agreements and understandings, rights and obligations between parties. And if we don't have a solid or hopefully good grasp of the facts, then it makes it very difficult to do that. And I feel like music causes you to engage and to listen and to take into account other people's points of view by nature, right? As a musician you're listening to the soloist, you're following the conductor, you're listening to the other people on stage. And you're pulling all of that information in and inspiration in and to be able to create your own artistic product. And so one of the interesting or unique things that I love about the laws is that I can bring my own voice to the process just in the way, just as a musician can bring his or her own voice to a performance. And I have valued that in the course of the work that I do with clients and also, you know. And actually, now that I think about it, I always felt like my job as an orchestra manager was to ensure that our musicians onstage and the conductor, the members of our board, that they shined, that they were successful in fulfilling their roles. And I feel like my job as a lawyer is exactly the same. It's to help clients to fulfill their vision and their

inspiration and achieve their goals. And I'm just the, kind of, orchestra manager backstage helping to make that happen.

**Tessa:** Yeah, that's awesome. That's a really great way to look at things. So those are all the questions that I had for you, I'm not sure if Stephen has any. But thanks so much for allowing us to interview you.

**Ari:** Thank you. Thank you. And I'll just point out, Tessa has been an amazing pre law intern with our firm. And we're so lucky to have you as a not just student, but participating in the growth of the firm, but also hopefully giving you some insight into what it is to practice law. So thank you for your service.

**Tessa:** Yeah, it's been really fun working with you.

**Stephen (narration):** Special thanks to Ari Solotoff for donating his time to talk with us, and thank you to Tessa for coming up with those questions and just being game to conduct this interview for the podcast. I mentioned that Ari had some advice he mentioned after the interview, specifically about Googling for answers you might have about copyright or intellectual property...

**Ari:** If you're going to Google for anything, please Google for lawyers for the arts with whatever state you happen to live in. You know, Lawyers for the Arts, Massachusetts, Lawyers for the Arts, Washington, Lawyers for the Arts, Indiana. You're likely to find, you know, the volunteer lawyers for the arts in your particular state where there is a way to get some preliminary legal assistance with some of these questions without having to break the bank to do it. The first question, if you saw the advice I give to folks, is if you think you have a legal issue, you probably do. And so, yeah, I think I'd rather suggest to students and others that they err on the side of contacting a lawyer if they think they have a question, then suggesting that they try to Google for the answer.

**Stephen (narration):** We'll include some links in the show notes to help get you started, but there are countless organizations there to offer free or very affordable advice to members of the arts community. So be sure to take advantage of that and stay curious about this side of the music industry.

Today's show was mixed by Frances Inzenhofer. She also helped clean up the transcript for the show, which you can find in the show notes. Intro music and incidental music was by me, and the outro music was composed by Alexa Silverman.

As always, if you have questions, comments, or ideas for a future episode, please contact me via my email in the show notes. You can follow us SoundCloud, or follow the IML on Facebook to get updates about upcoming episodes. And what would be super helpful if you've enjoyed this episode or other episodes we've done, if you've found the content helpful or interesting, is to please share with friends, share on social media, help get the word out. A recommendation from a listener is such a huge help, so, if you end up sharing, it would mean the world to us.

Go out, make art, do good work. From the IML, I'm Stephen Biegner. Until next time.