

MVP: Gibson Dunn's Scott Edelman

By **Suzanne Monyak**

Law360 (October 14, 2020, 4:34 PM EDT) -- Gibson Dunn & Crutcher LLP's Scott Edelman has spent the year notching major court victories for entertainment industry giants, including a sweeping win for AMC in litigation involving producers for the network's hit show "The Walking Dead," landing him a spot among Law360's 2020 Media & Entertainment MVPs.

His BIGGEST ACCOMPLISHMENT THIS YEAR:

Edelman scored a win in July for his client AMC Network in a contract dispute with executive producers for the network's Emmy-nominated post-apocalyptic drama "The Walking Dead."

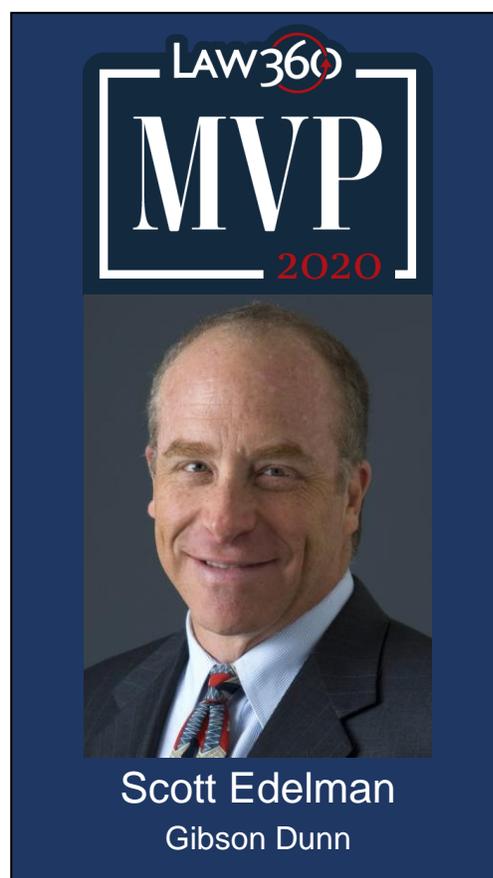
The producers had claimed that AMC shorted them on the show's profits, but following a two-week bench trial earlier this year — just before the court shut down in-person proceedings due to the spread of the novel coronavirus — Edelman convinced a California judge to side with the network's interpretation of the contract's provisions governing compensation.

The issues at stake were "complicated, and very detailed, and very intricate," and a number of industry experts testified at trial, requiring AMC's lawyers to provide a "thorough introduction to the judge into the world of television profit participation," Edelman told Law360.

"It was a very, very high-level explanation of the world of profit participation and accounting, and we had to figure out a way to explain it, make it understandable, and work with our witnesses to present it in a compelling way," he said.

Ultimately, the judge sided with AMC on seven out of seven claims, which Edelman said could boost related litigation that is currently pending in New York state court.

"This victory will hopefully be helpful to the New York court in seeing how another really smart judge had looked at and assessed these issues," he said.



HIS BIGGEST CHALLENGE THIS YEAR:

Edelman said his biggest challenge this year has been his packed workload, including two trials. In addition to the AMC trial, which wrapped in early March, he is also involved in a virtual arbitration matter involving the energy industry.

"It's been a challenge to go from matter to matter," he said. "But I've been blessed by having great teams to work with and also very understanding clients, and somehow, I haven't gotten into too much trouble yet."

The move to remote work and Zoom meetings forced by the pandemic has aggravated these challenges, he said.

"I have found it challenging to do all this from home. Zoom is great, but I like to be with people in-person, working with my teams in-person, working with my witnesses in-person," he said. "There are a lot of days where I get up, and I just say to myself, 'Oh gosh, another morning in my study, another day in my study.' It's sort of 'Groundhog Day.' That's presented a real challenge this year."

OTHER NOTABLE CASES:

Edelman convinced a California federal judge in April to throw out a lawsuit against his client, Universal Music Group, after recording artists attempted to get a cut of a \$150 million insurance settlement following a fire that destroyed master recordings.

After The New York Times Magazine ran a cover story about the fire, "very quickly there was clamoring under various plaintiffs' lawyers," Edelman said, "and then it was a race to the courthouse as to who was going to file first." He said the musicians had advanced legal arguments that "weren't particularly sound."

Edelman argued that the recording company, not the artists themselves, owned the master recordings, and that some of the plaintiffs' had not even had their master recordings destroyed. The court dismissed the case with leave to amend, and in June, the judge indicated that he would dismiss the amended suit as well.

"There were just a lot of legal theories that we had to unpack and explain to the court why they didn't make any sense, and we were successful in doing that," he said.

Edelman is currently defending Sony Music Entertainment against a proposed class action brought by musicians fighting to reclaim copyrights of songs they wrote early in their careers. He noted that a case of this nature has never been certified as a class action before.

"It's never been presented as a class action, and in our view, it's entirely inappropriate for class action treatment because the contracts of the artists differ, the circumstances of termination differ from artist to artist," he said. "It could be an important case."

In May, Edelman also beat a defamation suit filed by One America News against MSNBC host Rachel Maddow, over Maddow's remark that the far-right news organization "literally is paid Russian propaganda."

The California federal judge in that case found that Maddow's comment was protected by the First Amendment and invited Maddow to request attorney fees.

WHY HE'S A MEDIA & ENTERTAINMENT LAWYER:

Edelman describes himself as "a trial lawyer first, and a media and entertainment lawyer second." He said that he gravitated toward the entertainment industry as a young lawyer in Los Angeles, where he soon found himself developing relationships with studios to bring in new clients.

"I find the issues to be really interesting," he said. "It's not the glamour that some people think being in the media and entertainment industry would be — it's hard work like anything else. It's detail, detail. It's analyzing contracts. It's getting into the weeds, like you do in any industry."

He added that he also enjoys maintaining personal relationships with clients and working in teams at the firm, particularly with lawyers at the start of their careers,

"I'm not a solitary person," he said. "I need the interaction with people, and I thrive on it."

HIS ADVICE FOR JUNIOR ATTORNEYS:

Edelman would tell young attorneys to "always be kind to the people around you, and particularly to the people under you."

"It's not just a question of being kind and responsive to the senior partners," he said, stressing that lawyers owe much of their success early on to office staff and assistants. "You can't and you won't get anywhere by yourself."

— *As told to Suzanne Monyak*

Law360's MVPs are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals and complex global matters. A team of Law360 editors selected the 2020 MVP winners after reviewing more than 900 submissions.