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Q&A With Robins Kaplan's Michael Plonsker

Law360, New York (October 06, 2011, 1:07 PM ET) -- Michael J. Plonsker is co-chairman of Robins Kaplan Miller & Ciresi LLP's entertainment and media litigation practice, which he established in the firm's Los Angeles office in early 2009. He represents many actors, writers, directors, producers, musicians, talent agents, business and personal managers, and independent production companies. His areas of concentration include disputes arising under the California Talent Agencies Act, idea submission, profit participation, trademark and copyright infringement, right of publicity, right of privacy, defamation, guild and labor commission, employment, and Internet-related disputes.

Q: What is the most challenging case you have worked on and what made it challenging?

A: Marathon v. Blasi, which I argued before the California Supreme Court in 2007. This was a highly watched case in the entertainment industry due to its potential impact on remedies available against unlicensed talent agents (mainly personal managers) who procure business of behalf of artists. The court ruled that unlicensed talent agents must be licensed to procure and placed certain limitations on an artist in determining the remedies to which they are entitled. This was my first argument before the Supreme Court.

Q: What aspects of your practice area are in need of reform and why?

A: Many of the entertainment contract disputes that we handle are subject to arbitration provisions. Arbitration was historically intended to be a faster, less expensive alternative to litigation. Today, it is typically neither and precludes a jury and an appeal of the arbitrator's ruling.

Q: What is an important case or issue relevant to your practice area and why?

A: There are a number of recent cases regarding profit participation claims against studios and production companies in the television and movie industries. For a time, courts were limiting the ability of profit participants to establish their claims. But recently, as profit participants have been able to get their cases before a jury, the tide is changing. This year, a jury awarded our client Celador over $260 million in damages against Disney and ABC in connection with the television show "Who Wants to be a Millionaire."

Q: Outside your own firm, name an attorney in your field who has impressed you and explain why.

A: I've litigated against most of the well-known attorneys in the entertainment industry. I was most impressed by the late George Hedges. He was always prepared, did not engage in the histrionics that have become typical in our field and, above everything else, was always a gentleman.

Q: What is a mistake you made early in your career and what did you learn from it?

A: I assumed that judges knew more than me. I do not say this in a critical way. But, what I learned was that judges have so many matters and do not, at least at the beginning of a case, have a grasp of the facts or the law that will allow them to make a fully informed decision.

I learned that an advocate must assume, in any type of adversarial situation, that the decision maker (whether it be a judge, arbitrator or mediator) needs to be informed, in the most simple, understandable manner, of exactly what it is that is to be decided and what facts and law impact that decision.