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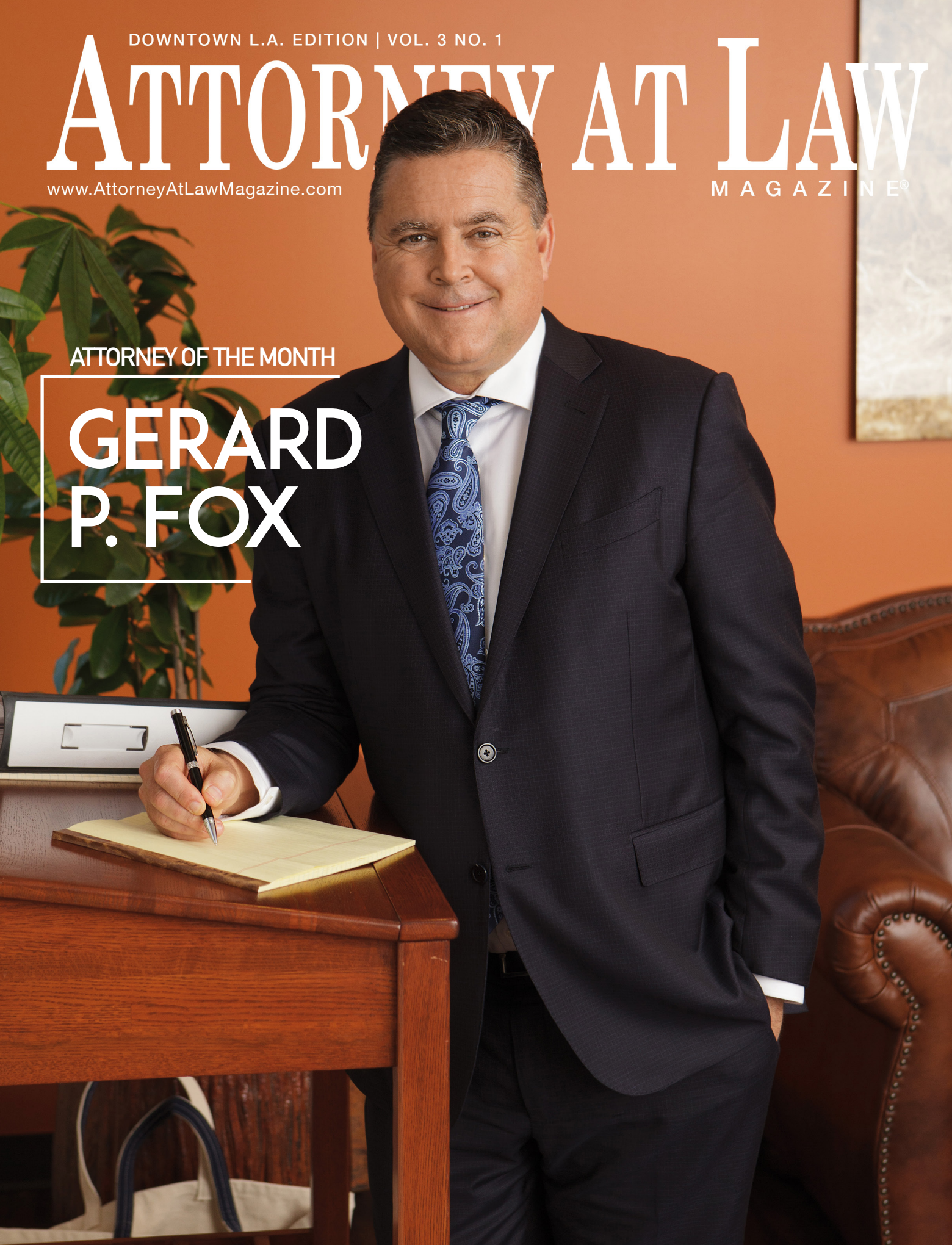
ATTORNEY AT LAW

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MAGAZINE®

ATTORNEY OF THE MONTH

**GERARD
P. FOX**



GERARD P. FOX

A DIFFERENT BREED

By Elizabeth Morse

Gerard P. Fox might be better known for his confident presence in a courtroom and the prominent entertainment cases he has represented throughout his career, but Fox's journey to a career in law was self-described as a "process" as opposed to a well-developed plan from undergraduate studies.

"I didn't envision myself pursuing a career in law, but I joined a friend in debate class who went on to law school," Fox says. "After my second year at Georgetown Law, I worked as a summer associate at Baker McKenzie where I was involved in tax-related matters that I found fairly boring. It wasn't until I was assigned to the securities group that I saw the passion and the excitement of litigation."

After graduating law school and passing the bar, Fox was hired in the Washington, D.C. office of Covington & Burling LLP as an associate attorney. During his time with Covington & Burling, Fox felt honored to be mentored by the former commissioner of the National Football League, Paul Tagliabue. The next year, Fox gained some insightful knowledge and developed his skills as an attorney reviewing key documents at various football stadiums.

After one year with Covington & Burling, Fox moved to the former D.C. firm Collier, Shannon, Rill & Scott where he was mentored by famous trial lawyer John Williams. Fox credits Williams with teaching him to be a tenacious litigator, to vigorously push cases forward, and to always seek to find a leverage point, no matter which party he represents.

Fox was presented with an offer to lateral into Cravath, Swaine & Moore LLP. He met with their top trial partners, including David Boies. He chose to decline their offer and instead took a competing offer from Kaye Scholer LLP to come to Los Angeles as an associate attorney. Years later, Fox successfully squared off against David Boies and the firm in a case having to do with trusts set up by Marvin Davis.

Handling entertainment, product liability and real estate litigation with Kaye Scholer, he found mentorship in fellow Georgetown graduate, Pierce O'Donnell. During his time under O'Donnell's mentorship, Fox was able to strengthen his knowledge further and hone his skills as a trial attorney and litigator.

By 1994, Fox felt he could gain more unique trial experience by opening a boutique trial

firm and sporting much lower rates. He decided to open his own firm with Jay Spillane, Fox & Spillane LLP.

"It was a boutique litigation firm that served mostly high-profile entertainment cases," Fox says.

Among the firm's list of over 38 jury trial wins was the representation of clients and corporations such as Dow Chemical, Vivendi, Anita Baker and Tom Waits.

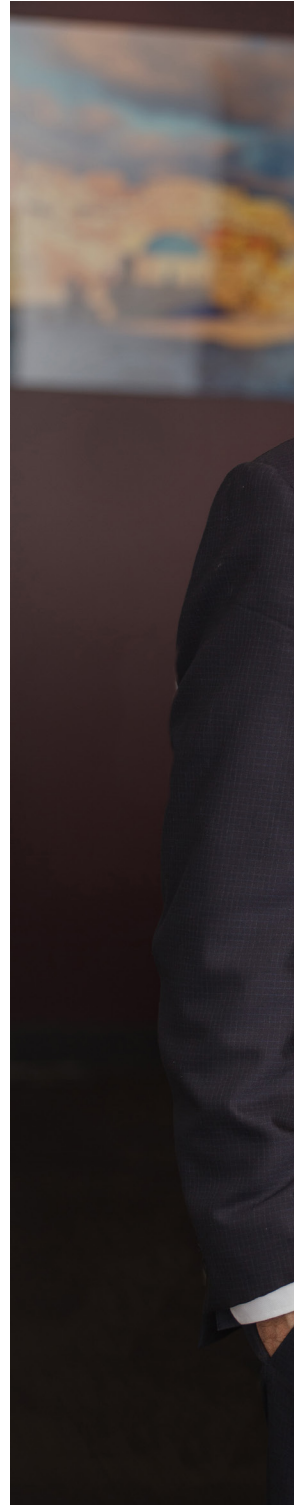
Fox saw the need to begin growing the firm to be a large, full service platform; his partner, with whom he is still close, wanted to keep a small, boutique firm. Parting amicably, Fox began looking for his next step.

Around this time, he met and married a woman "who came from the outside," working for a large medical group. Wanting to found his own firm, Fox decided to take a step back to evaluate and ponder what he truly wanted in his firm. He turned to his wife, Samantha, for help. She advised him to hire a board of advisers of CEOs and other business professionals that could offer insight from an outside perspective, as well as guidance from a business standpoint.

"The makeup of the legal world is 85 percent white male while women attorneys are treated unequally in status and salary," Fox says. "The billable hour structure is inherently inefficient, which also leads to a high turnover rate."

Looking to his board of advisers, Fox wanted to create a set of principles to found his firm on. He describes five main principles he has incorporated into the foundation and success of Gerard Fox Law. The first principle is to build organically. Today, Gerard Fox Law doesn't need to turn to legal recruiters to find highly qualified associates as many of them are attracted to the firm's more high-tech environment, stable atmosphere and diversity and apply unsolicited.

The second tenet is to maintain a healthy work-life balance and to continue educating the attorneys. This ensures that they remain at the top of their practices and are able to provide the best possible result for their clients.





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The third principle is thriving on diversity. The mantra, “good lawyer, good person,” is demonstrated by all members of the firm. Among the attorneys and staff at Gerard Fox Law, there are various languages spoken. Expanding on their realm of diversity, the firm also instills a strong commitment to giving back to the local community and constantly seeks opportunities to add value to their clients.

The fourth principle is to maintain a reputation as a top full-service firm and to hire the best lawyers possible to ensure the most desired result for clients. The firm has also established a fair rate system to ensure clients can obtain the best representation at an affordable price.

Lastly, staying ahead of the curve with technology is imperative to the future and growth of the firm. Staying up-to-date with social media and cutting-edge technology is critical to propelling the firm toward a positive and prosperous future. Ultimately, the mission of Gerard Fox Law was to progressively transition into a full-service firm. The principles help to create a welcoming and supportive place for both firm attorneys and their clients.

Right now, in addition to their full-service Los Angeles office, the firm has a New York office in midtown Manhattan, located right across from Rockefeller Center. The New York office houses patent attorneys and several litigators and is actively recruiting for its other practices. The firm also has an office in Woodland Hills. Fox says the firm is in a transitional stage and will continue to open offices in more cities within the next several years.

“We opened our Washington, D.C. office in December, with space in Washington Harbor on the Potomac,” Fox says. “Additionally, we expect to open our Seattle office this year. We also have three clients we’re servicing in Singapore and we would love to open an office there in the future.”

Fox’s board of advisers serve six key responsibilities in the continued growth and promotion of the firm.

“First is to always instill diversity, top to bottom,” Fox describes. “Second is creating and maintaining equality for all attorneys and staff members. Women will not be denied a promotion for simply being a woman or denied maternity leave to care for their new child. There is equal pay and promotion to all. Third is to ensure a work-life balance. Fourth is to reduce hours to allow affordability for our clients, which also brings me to number five — eliminating the inefficiency of the billable hour structure. While we do bill by the hour, we do not use “billable hours” as a means of measuring the value of our lawyers; instead our lawyers are taught to be efficient and to positively impact each and every case and client. Lastly, we value the stability of our staff and the collegiality of our

firm as a whole. We treat our staff as equals and we reject all notions of hierarchy within the firm. We like to educate our attorneys about responsibility and relationship-building. We invest in our attorneys' careers, but also seek to foster strong relationships and to help develop exceptional people."

SIGNIFICANT CASES

Like many trial attorneys, there are a few cases that have had a significant impact on Fox's career. Over the years, four of his cases have had a critical impact on the entertainment industry and on his own practice.

The first he mentions is *Three Boys Music Corp. v. Bolton*, in which the Isley Brothers sued Michael Bolton for copyright infringement. Bolton's 1991 song, "Love Is a Wonderful Thing," was found to infringe on the Isley Brothers' 1964 song of the same name. Fox tried the case to a jury, and the case was closely followed by the press. At the time of his victory, it had been many years since a musician had won a jury trial on a copyright infringement claim.

The second case Fox mentions is *StreetScenes v. ITC Entertainment Group Inc.* The movie production company ITC hired an executive named Travis Clark to look for projects. Clark found a group of investors for a movie and made a promise of millions in profits to fraudulently convert over a million dollars from the investors. During trial, ITC disavowed Clark's actions and claimed he was an independent contractor. However, upon reaching a verdict, ITC was found liable for Clark's conduct, including fraud and negligence in the hiring and supervision of Clark. As a result, the jury awarded ITC for lost profits the film would have made, as well as awarding the investors \$8 million in punitive damages. The total amount awarded was \$18.5 million. The appeal, however, proved the lost profit aspect of the judgment to be speculative.

"This case brought to light a couple of issues, including apparent authority. The lost profit issue is still being studied in law schools today," Fox says.

He continues with the third case, which involved Anita Baker and her talent manager. The talent manager negotiated a commercial appearance with a car company for Baker. Unfortunately, in order to negotiate a contract on behalf of an individual in the entertainment industry, a person must be a licensed talent agent. The Labor Commission voided the contract with Baker.

"Though it was a minor offense, as a result of the Talent Agency Act, the talent manager was stripped of all fees that were negotiated in that contract," Fox explains.

The fourth case Fox mentions is the case in which Art Bell sued WWCR radio host, Ted Gunderson for a statement Gunderson made accusing Bell of the criminal indictment filed against a person who had assaulted a member





of Bell's family. It later became public knowledge that a substitute teacher had sexually assaulted Bell's son. Bell filed a defamation lawsuit against the WWCR and WNQM radio stations and the hosts.

Gunderson and the owners of WWCR apologized to Bell and his family and retracted their statements. The parties later reached a confidential settlement.

Today, Fox handles primarily complex business litigation matters, representing companies in high value, high stakes litigation.

OUTSIDE OF THE OFFICE

Fox has a multitude of accomplishments under his belt, including his publication, "Sue the Bastards! Everything You Need to Know to Go to – or Stay Out of – Court." It is a book that carefully explains the litigation process from an attorney's perspective.

"I was representing a producer against his landlord. My client had asked if it was okay to tape our meetings. I *never* tape my meetings because of privilege issues, but after a while we came to an agreement. He taped me explaining how litigation unfolds as well as options and cost-benefit issues. After his case was completed, he suggested that I write a book about it as he believed everyone had a right to hear the advice. He and I co-wrote the book which provides an overview of the litigation process as well as important insights into how to handle the cost. I was going to use it as a teaching or fundamental guideline for other practicing attorneys and/or law students, so I had titled it something generic. The literary agent wanted it to be geared toward potential clients and the general public, so instead, he suggested the title, 'Sue the Bastards!' and it just stuck." "Sue the Bastards!" is currently being updated for republication.

Aside from his spontaneous writing and publish-



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ing opportunities, Fox devotes most of his free time to finding and helping homeless people. He is actively involved in Sandwich Builders, which creates and distributes food to the homeless. Fox helps advocate and educate others about mental illness, especially in correlation to the homeless.

Fox has provided several speaking engagements with popular networks and programs, such as Good Morning America, Entertainment Tonight and CNN – Showbiz Tonight on various topics. He is also vegan and supports various vegan causes. To show his dedication to the practice of law and to his firm, Fox partakes in courses he created, such as one focused on time management. While he admits that the work-life balance isn't something he has fully mastered yet, it is a "work in progress."

"Sometimes, you have to take a break and put yourself in your calendar to remember to do so," Fox says.

Looking back on starting his own firm, he shares some important advice with other attorneys interested in founding their own firm.

"Talk to business professionals — people outside of the legal industry," Fox advises. "Talk to business owners that use lawyers and legal services for honest feedback — even the dislikes of lawyer or law firm practices. It's also imperative to be true to your clients and always remember that it's not about the money. If you're in this profession for the money, you're in it for the wrong reason."

While Fox is very proud of his firm and what Gerard Fox Law has evolved into, he's also very proud of his family.

"My son works for LinkedIn, my son-in-law works for Netflix and my daughter works for LookFar. They usually crack the lawyer jokes, but for some time, we've definitely deserved that," Fox laughs. "My children truly inspire me each and every day."

Reflecting on the success and strong, refreshing foundation of the firm, Fox credits his mom and his wife, Samantha, for their wisdom, support and encouragement. Samantha Fox is CFO of Gerard Fox Law.

"My wife is my strongest mentor. She is the visionary who taught me to be true to the principles and has been a force within the firm," Fox says.



AT A GLANCE

Gerard Fox Law P.C.

1880 Century Park E #1410
Los Angeles, CA 90067
(310) 441-0500
www.gerardfoxlaw.com

Other Locations

Washington, D.C.
New York City
Woodland Hills

Practice Areas

Complex Business Litigation

Education

Juris Doctor, Georgetown Law School, 1985
Bachelor of Science in Accounting, University of Richmond, Robins School of Business, 1982

Bar Admissions

California, 1990
Maryland, 1985
Washington, D.C., 1985
New York, Pending

Award & Honors

Super Lawyers

Professional Memberships

CSEL
Convене

Community Involvement

Sandwich Builders

Hobbies

Hike, Farm and Read

Favorite Quote

"Education is something that can never be taken away from you." Fox attributes this quote to his father.