

by Jeffrey Kravitz

## Closing Argument

### Entertainment Disputes Demand Creative Solutions

I am fond of saying that mediation is one-third law, one-third psychology, and one-third magic. In entertainment cases, that formula holds doubly true, which is something of a malaprop worthy of legendary movie mogul Samuel Goldwyn. The truth is, unlike traditional commercial disputes, entertainment conflicts are often played out on multiple stages: the courtroom, the press, and the public imagination. It's never just about money. It's about reputation, legacy, and relationships, some of which are surprisingly durable even after a lawsuit.

For instance, I handled a case involving two film producers. One sued the other over a commercial debt that exceeded seven figures. It was, by legal standards, a straightforward matter: Money was borrowed and not repaid. We took it to trial and, to use a technical phrase, mopped the floor with the defendant. My client was triumphant. However, instead of celebrating by cutting ties and moving on, he took the judgment and used it to go into business with his co-producer again, this time to finance another project.

It was an unconventional move. As a trial lawyer, I was less than thrilled to see my hard-won judgment turned into a joint venture. Nevertheless, it illustrated something essential about

this business: Creative people often resolve conflict not by walking away but by finding a way forward, even with someone they just sued. It was a solution that could have, and should have, been reached in mediation, saving everyone the time, cost, and stress of a jury trial.

Of course, the legal arena is not the only stage that matters. The court of public opinion often carries more weight than the courtroom itself. For example, in the now-infamous *Depp v. Heard* defamation case, regardless of which party held the legal advantage at various points, neither emerged better in the public eye. Long after the monetary damages are forgotten, the public will remember the cruelty, the accusations, and the footage. Both reputations were damaged in ways that no legal victory can ever repair.

By contrast, Burt Reynolds and Loni Anderson handled their equally very public divorce quite differently. At the time, Anderson was a beloved television star,

and Reynolds had been named *People* Magazine's "Sexiest Man Alive." The tabloids were salivating, but a wise and experienced settlement judge pulled the parties into chambers and reminded them of what really mattered: their children. He showed them excerpts from gossip columns and asked, point-blank, how their children would feel reading those stories years from now. The case settled quietly and with dignity.

That is the power of mediation. It does not just solve legal problems; it protects what really matters.

In other cases, the most important audience is not the public but the legacy. I once represented the daughter of a legendary country music icon. Her IMDb profile included a factual but painful entry that cast a shadow over her career. Rather than resorting to litigation, we appealed directly to the company—the same type of corporate entity that the Supreme Court has declared a “person.” Some

might call it naïve, but we asked for compassion. And, surprisingly, we got it. The entry was removed.

In another case, a shock jock claimed on air that my celebrity client planned to raise her unborn child with her former same-sex partner instead of the child's father. The broadcast was not only false but also hurtful and dangerous. When I contacted the network's attorney, I was met with the usual retort: “She's a public figure. You can't sue.” My response? “We won't sue on her behalf. We'll sue on the child's.” That changed the conversation. The story was retracted.

Entertainment law is not like other legal disciplines. It operates in a world of layered narratives, fragile egos, and high visibility. Thus, it demands a different kind of advocacy. Often, the best outcomes do not involve a courtroom at all. They come through creative, private solutions, credit instead of cash, silence instead of spectacle, or even something as simple and radical as an apology.

In this business, time is money, but so is goodwill. So is reputation, and so is legacy. A win is not always a verdict. Sometimes, it is merely walking away with your future intact. And when that happens—whether through law, psychology, or a little bit of magic—everyone gets a better ending. ■

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