

MAKING A DIFFERENCE | Alumni Profile

BY ROBERT M. VILES



Susan H. Bodine '81:

A Lawyer for New York City's Independent Film Industry

Susan Bodine '81 practices in New York City, where she is a founding partner of Epstein, Levinsohn, Bodine, Hurwitz & Weinstein. She is one of a small number of lawyers who regularly represent motion picture industry clients based in New York. As a result, her practice is bicoastal and extends to such venues as the Cannes Film Festival.

In 1990, when Bodine began her solo practice in New York, the city's independent film industry was just getting started. Her first clients produced the nation's earliest independent films. In the 1990s, she was one of approximately 20 attorneys practicing in the independent film industry in New York. Today, her firm represents major filmmakers, including Michael Moore and John Sayles, and does legal work for diverse companies such as HBO, New Line Cinema, Focus Features and Denmark's Lars Von Trice. Bodine worked with Moore on two of his films, *Bowling for Columbine* and *Fahrenheit 911*. "Both films," says Bodine "were important, and I am gratified to able to help get them seen." She recently met with client, actor Roberto Benigni, in Italy regarding his newest film project.

The late Robert M. Viles, former dean and president of Franklin Pierce Law Center, interviewed Bodine for this profile on June 26, 1998 in Concord, NH. It is one of twenty-five interviews Viles conducted for his book entitled Making A Difference which was to feature profiles of alumni he believed would make a positive impact on society.

RMV: *Why did you become an entertainment lawyer?*

SHB: After graduating from Bard College I went into dance and the theater. When it came time to decide what to do with my future, I realized I was always the one who made the arrangements. That realization started me thinking. Organizing things was just as interesting to me as performing on stage. That means something, I said to myself; my skills may lie here instead of on the stage. You've heard the adage; 'Things turn out best for those who make the best of things.' So I decided to go to law school as the way to make the best of things.

RMV: *Do you think you made the right choice?*

SHB: Yes. A really true artist doesn't have a choice. They're driven to express themselves in a certain way. I recognized that that wasn't me. Although I wasn't sure where going to law school would take me, I've had a wonderful ride so far.

RMV: *How did you start out after law school?*

SHB: For the first eight or nine years I had jobs in small entertainment law firms. It was clear after a year or two that dance and the theater didn't have economic potential. They are organized mostly as non-profits, and their needs are met by the lawyers who are board members and who do the work pro bono.

RMV: *So what did you do?*

SHB: Most of the entertainment law firms in New York were in music. Some were in films. So I learned about both of these industries I liked films better than music—you don't have to stay up so late. Then I got lucky.

RMV: *What do you mean, you 'got lucky'?*

SHB: Well, my entry into the film side of entertainment law in New York City coincided with the coming of age of a generation of film school graduates who were interested in making films independent of the major studios. They had learned from directors such as Martin Scorsese, Spike Lee, John Sayles, and Jonathon Demme that you could make artistic films outside of Hollywood. They were just getting started.

The new generation had interesting questions about intellectual property, agency, partnerships, and corporations. I started taking on this kind of work. One of my clients wrote, directed, and produced a film that became a critically successful first film for a young filmmaker. It won the Grand Jury Prize at the Sundance Film Festival. I sold the film in Hollywood to MGM as distributor. It was my first significant transaction.

RMV: *Then what happened?*

SHB: The next year I had two or three films going to the Sundance Festival. At that time no one had heard of it. Then in 1990, *Sex, Lies, and Videotapes* officially launched the New York film industry. We all grew up together.

This was a really opportune time for me. The film boom coincided with starting my own firm. My clients were beginning to achieve some ability and success. There was a lot of fortuitousness.

RMV: *Your story sounds like the definition of luck: knowing what to do when you find yourself in the right place at the right time. How did you know what to do?*

SHB: This sounds like one of your questions in Contracts class! I think my luck had something to do with my skills. I've found that I'm particularly good at negotiating between extreme positions and under conditions of extreme volatility. I have learned to be a good mediator, a good conciliator, and a good diplomat. I can bring a lot of diverse parties together and make something happen without getting my own interests and ego in the way, as is frequently the case with lawyers in my field.

My clients hire me to do this kind of work. They hire other lawyers to do other things. For example, if they want a lawyer who is really aggressive and confrontational, they hire someone else.

mostly men however. I know only about ten senior female entertainment lawyers of some note in private practice.

RMV: *Have you found discrimination or a glass ceiling?*

SHB: Not directly, inasmuch as I've had my own firm. But it's there in subtle ways. There's some pigeonholing of women, to be sure. I don't think it has affected my practice much.

RMV: *How has your practice affected the lives of others?*

SHB: Generally, as an entertainment lawyer I help expose the public to films—and most of the time, I think that's a pretty good thing. That is certainly a source of satisfaction.

RMV: *More particularly, how have you personally made a difference?*

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— Susan Bodine '81

RMV: *How big is your practice niche?*

SHB: The category of “entertainment lawyers” is relatively small nationally. Although I don't know the number, I doubt there are more than a few thousand who practice entertainment law full-time. Within this group are the music and motion picture bars and a tiny legitimate theater bar. I'm in a subset, the New York-based motion picture lawyers.

RMV: *How many New York-based motion picture lawyers are there?*

SHB: Perhaps 50, but I come across the same three to five lawyers on the other sides of deals.

RMV: *Why is the number so small?*

SHB: One reason is that the New York film community of filmmakers and production companies is new. There's been a tremendous upsurge in business for independent filmmakers in the last ten years. Before then it didn't exist. Now the community is beginning to break down as everyone makes deals with Hollywood.

RMV: *Are there many women among the entertainment lawyers with whom you deal?*

SHB: There are more all the time. Both our junior partners are women, and there are many more women associates and in-house counsels. Pare and senior executive positions are still

SHB: Entertainment lawyers, like managers and agents, have the chance to make an investment. For instance, a filmmaker comes along who shows real talent. The young filmmaker has no money, of course and it's not easy to get knowledgeable representation. So the manager, agent, and lawyer say, ‘Lets make an investment.’ An agent usually receives 10 percent of the client's gross earnings; the manager, 15 to 25 percent; the lawyer, five percent. Sometimes you waive your commissions for several years because the filmmaker may be in desperate straits financially. Most of the time the investment doesn't pay off.

RMV: *Has it ever paid off for you?*

SHB: Yes, and now I often get an opportunity to represent established filmmakers.

RMV: *Have you made a difference because of your skills as a mediator and conciliator?*

SHB: On occasion. I did a film a few years ago where I was counsel for the producers of a film that won the International Critics Prize at the Cannes Film Festival. The filmmaker is incredibly talented. The film was a scathing dissection of family life and society in America

Because the film was so controversial, the original distributor wanted to back out. So it was a lot of work to get the film into distribution. Although this kind of problem doesn't happen often, I think my work made a significant difference in this film being seen.