

Rising Star: King & Spalding's Joe Wetzel

Law360, New York (July 18, 2017, 3:28 PM EDT) - King & Spalding LLP's Joe Wetzel has amassed numerous victories on copyright and music-licensing issues for household brands, including music streaming giant Pandora Media Inc. in a licensing fight with the American Society of Composers, Authors and Publishers, earning him a spot as one of four media and entertainment law practitioners under age 40 honored by Law360 as Rising Stars.

WHY HE BECAME A MEDIA AND ENTERTAINMENT LAWYER:

Wetzel said he his interest in music dates back to his childhood — first as a fan of Radiohead's 1997 album "OK Computer," then as a kid in a rock band, which he said was doomed to fail given his bandmates could never even agree upon a band name — and later as a music critic in college.

After he abandoned the idea of becoming a musician for the legal field, he was offered the opportunity to move from New York City to California to build a practice group focusing on media, including the music industry. His team continues to build that practice, albeit now at a different firm.

"It was an after-the-fact marrying of my interests that I was fortunate to be presented with over the course of meandering my way through BigLaw," Wetzel said.

BIGGEST CASE OF HIS CAREER:

Wetzel represented Pandora in its suit against ASCAP, which licenses the music of its members, helps them obtain fair compensation and distributes the royalties that it collects. The suit challenged ASCAP's attempts to alter the terms of its consent decree, a kind of regulatory agreement first

RISING ★ ★ ★ ★ ★ STAR



Joe Wetzel
King & Spalding

Age: 40

Home base: San Francisco

Position: Partner in intellectual property

Law school: Fordham University School of Law

First job after law school: Paralegal in U.S. trademark prosecution

issued by the Department of Justice in 1941 to reduce anti-competitive practices in music publishing, such that it would deprive certain new-media entities of automatic licenses to its members' music and other protections.

He was a key strategist in Pandora's 2013 summary judgment win, 2014 trial win and successful opposition to appeals at the Second Circuit by ASCAP, Sony/ATV Music Publishing, EMI Music Publishing and Universal Music Publishing Group. He also played a significant part in the trial win establishing Pandora's ASCAP royalty rate through 2015 and Pandora's 2015 trial against Broadcast Music Inc.

The litigation spurred a broader DOJ investigation into whether ASCAP engaged in collusive behavior associated with its licensing to Pandora and others, as well as consideration of whether ASCAP's and BMI's consent decrees should be amended to allow publishers to withdraw the performance rights organizations' ability to license to new-media companies like Pandora.

"It goes beyond Pandora," Wetzel said. "Once you're talking about amending the consent decrees, then that starts to touch on any music users that rely on licenses from ASCAP or BMI."

HIS BIGGEST DEFEAT AND WHAT HE LEARNED FROM IT:

Though the Pandora litigation led to some of the high points of Wetzel's career, it also brought a significant loss for him. A year after they brought home a victory for Pandora against ASCAP at trial, he served as trial counsel in a similar challenge to BMI's consent decree, which he lost in spite of the prior favorable decision against ASCAP, affirmed by the Second Circuit.

He said his team was able to provide a positive result for the client, but they were disappointed as trial lawyers that they never had the opportunity to appeal.

"The lesson that I took away is that every judge and every jury is different," Wetzel said. "Your audience matters tremendously as a trial lawyer and, regardless of what position you're in, whether it's having the upper hand or having your back against the wall, anything really can happen at trial."

ADVICE FOR YOUNG ATTORNEYS:

Wetzel recommended that attorneys fresh out of law school prioritize finding a team they enjoy working with, even above being able to practice in a particular subject matter. He described his own team as similar to family.

"There has been a continuity of closeness within our team that has enabled us to work really well together under some stressful situations," Wetzel said. "The demands of the job can be very intense and it makes such a difference to go to work every day with friends."

--As told to Nicole Narea

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of

Law360 editors selected the 2017 Rising Stars winners after reviewing more than 1,200 submissions. This interview has been edited and condensed.

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