

Law Can Be Funky

By Reg P. Wydeven
January 15, 2011

In 1982, our family took a vacation to visit relatives in Michigan. My sister and I were so excited because we were staying with our cousins, the Lakes (coincidentally, my Uncle Tim Lake was a partner in a law firm with my Uncle John Fish, Jr. that was founded by his dad, Jack, so the name of the firm was Fish, Fish & Lake – hand to God).

Unbeknownst to our parents, my cousin, Timmy, and I stayed up late and watched Saturday Night Live. The musical guest that night was Rick James and his Stone City Band. Growing up outside Detroit, Timmy was familiar with the Motown star. It was my first introduction, however, to the King of Punk Funk.

I remember being blown away by his performance. He came on stage wearing a royal blue leather outfit. Rick swung the microphone over his head and he wagged his tongue at the camera while he belted out ‘Superfreak.’ Since then, I’ve been a fan of funk.

As a fan of Rick James, I was, of course, excited when he collaborated with my favorite comedian, Eddie Murphy, to write, produce and perform the hit ‘Party All the Time.’ Likewise, I bought the 45 for the song ‘Lovegirl’ by James’ protégé, Teena Marie.

Teena Marie was born Mary Christine Brockert on March 5, 1956, and was raised in ethnically diverse Venice, California. She charted half a dozen Top 10 R&B singles, including ‘Lovegirl’ and ‘Fire and Desire,’ the duet with James. Teena Marie’s fans were shocked when her picture was put on the cover of her second album, for it was then they first discovered that she was white.

From then on, she became known as the Ivory Queen of Soul. Unfortunately, Teena Marie passed away on December 26, 2010. While her distinguished songbook, including 2005’s Grammy-nominated ‘Still in Love,’ remains her greatest legacy, Teena Marie will be remembered by lawyers for a very different reason.

In 1982, Teena Marie sued Motown over her contract and about her record label’s refusal to release her new material. She brought the suit because of her adamancy of retaining control over the artistic process of her recordings, which was unprecedented for a female musician at the time. She wrote, produced, sang and arranged virtually all of her songs on all but two of her albums.

Teena Marie won the landmark case, and as a result, “The Brockert Initiative” was established. Coined after her legal surname, the ruling made it illegal for a record company to keep an artist under contract without releasing new material. The Initiative further allows artists to leave an unsupportive record company and sign with another label. Teena Marie did just that, leaving Motown for Epic Records where she released ‘Lovegirl.’

Other artists, such as George Michael, Luther Vandross, and The Mary Jane Girls (also discovered by Rick James), took advantage of The Brockert Initiative to leave uncooperative record labels.

So while reading the Internal Revenue Code or the new healthcare reform bill can be pretty boring, it’s nice to know that some areas of the law are still funky. But I’m still probably not going to buy a royal blue leather suit, even if it comes in pinstripes.

This article originally appeared in the Appleton Post-Crescent newspaper and is reprinted with the permission of Gannett Co., Inc. © 2011 McCarty Law LLP. All rights reserved.