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## Creatives have been hit hard by COVID, but there are ways to help

Nearly three million Americans working in creative industries have lost their jobs during the COVID-19 pandemic, in part due to mandatory lockdowns that saw the closure of entertainment venues, office buildings and movie sets. Without the promise of a steady job, many artists have turned to freelancing and starting their own businesses.

This presents a unique set of legal challenges that not all new entrepreneurs are prepared to navigate; however, with the right assistance, the legal industry can help get creatives get back to work in these unprecedented times.

Prior to the pandemic, more than 7.6 million Americans were employed in creative occupations nationwide, which represented 4% of total employment. Together, these workers made almost \$42 billion in monthly average earnings and played a crucial role in driving regional economies. The loss of these jobs not only threatens the national economy, but also the livelihoods of creative workers and their families. To help make up for this lost income, some creatives have become part of the 59 million Americans who are now freelancing and working for themselves.

Starting a business at any time is challenging, especially during a pandemic, when competition for work and clients is at an all-time high. Artists and other creative workers setting up their own

shops have many legal considerations to think through. This can include reviewing contracts with previous employers to ensure they are clear from a non-compete or non-disclosure agreement that could limit an artist's ability to work for others or themselves. Oftentimes, freelancers must also set themselves up as a corporation and navigate self-employment taxes. If they decide to employ other people, freelancers must also draft employment contracts and provide insurance to workers.

Freelancers in creative fields also face additional legal challenges when it comes to intellectual property and trademarks. Because artists and musicians create proprietary work, they must have legal safeguards in place to ensure that their customers don't copy their products, and they must also ensure that they are not unknowingly engaged in any plagiarism of their own. Copyright lawsuits were the most frequently filed type of IP case in 2018, and Illinois was among the top 10 states with such suits, so freelancers must be prepared for the risks that come with running their own businesses.

While it may seem an unusual pairing, the legal industry is actually in a unique position to help creative workers during these challenging times. Offering our services, at a value, to creative entrepreneurs will not only help them get their businesses up and running to sustain their own income but will



### LAWYERS AND THE ARTS

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also help our communities recover from the effects of COVID-19.

For instance, in cities throughout the Midwest, including Chicago, Milwaukee, Madison, St. Louis, Omaha and Kansas City, attorneys at our firm, Husch Blackwell, provide cost-effective legal services to artists and art organizations to help protect their rights and develop their businesses. We have been working with local artists for well over a decade to provide services that they may not be able to acquire on their own. This includes contract drafting review and negotiation, as well as copyright, trademark and patent protection. Because the creative industry is at increased risk for facing these types of lawsuits, it is important that they have legal

assistance should such issues arise.

We also help creatives with nonprofit formation, which plays a major role in the broader cultural industry. A recent survey found that 77% of artists say they have used their creative practice to raise morale, create community cohesion, or generally lighten the experience of their community, and 67% have done so without being compensated for time or materials.

In addition, our firm has donated nearly 300 pro bono hours alone in 2020 to artists through the Lawyers for the Creative Arts. LCA is the only Illinois provider of pro bono legal services dedicated to individuals and organizations in all areas of the arts. This work has included trademarks, copyright, reviewing contracts, and so forth. The firm has also partnered with other pro bono legal services providers dedicated to artists and creatives across the firm's national footprint.

Every industry has been affected by the COVID-19 crisis, and it is up to those who are able to now help the people most impacted in our communities. The creative industry brings so much to the nation's economy, as well as to our collective culture and we are proud to support their endeavors. We encourage the rest of the legal industry to join in our efforts where they can to help restore an industry we rely on for humor and levity in these times.