

CAREER SPOTLIGHT: BRIAN MENCHER

Brian Mencher is the General Counsel & Head of Business Affairs at Global Citizen, a multi-national not-for-profit organization bridging digital media, humanitarian policy, and major event productions to help end extreme poverty NOW. As General Counsel, Brian oversees all legal, compliance, and business affairs needs of the organization, and supports Global Citizen's international offices located in Canada, England, Australia, South Africa, Nigeria, and Germany. Brian received his JD and Masters in Mass Communication (joint degree) from the University of Florida and has a double major in Mass Communications and Criminal Justice from Florida Atlantic University.

QUESTIONS & ANSWERS

1. Please briefly explain your career path and what led you to your current position.

“I consider myself to be in the hospitality industry and the concierge for the team.”

I grew up in the age of the OJ Simpson trial and thought that I wanted to be a criminal defense attorney. I loved the strategy involved in litigation. Once I arrived at law school, however, my interests eventually turned toward intellectual property law and the representation of creative people.

After attending a concert in downtown Gainesville, it clicked for me—I wanted to work with artists and other folks in the music industry. While in law school, I founded the Music Law Conference (a mini South by Southwest (“SXSW”) of sorts) developed and produced by law students (with the support of the UF Law staff).

Once I graduated, the law students continued to produce the conference for ten more years! I would visit from New York City (where I moved after graduation) every year to speak on a conference panel (and hopefully inspire others to also pursue a career in entertainment law).

In NYC, I started my own law firm and then established the partnership of Beame & Mencher, with my friend and fellow lawyer, David Beame. In 2012, David connected with three guys from Australia who were planning to put on a mega festival in Central Park to end extreme poverty. I initially filed the organization’s trademarks while David went on to help produce the first festival (and every festival since).

After attending Global Citizen Festival, I was inspired. I decided then to dedicate more of myself to Global Citizen’s mission to end extreme poverty, protect our planet from climate change, and advocate for equity for women and girls everywhere. It’s the best use of my skills and education I could imagine. The rest, as they say, is history—over time, I

continued to take a larger leadership role within the organization and have had the honor of serving as the General Counsel and Head of Business Affairs for nearly three and half years now.

2. What is something that has changed since you began working in the entertainment industry, and how has that change impacted your current job in the industry?

The industry is always evolving. So, as a lawyer, or really anybody serving in a leadership role, you have to stay ahead of (or, in the case of law practice, at least keep up with) technology and the ambitions of your clients and/or internal organization executive team. We often hear (and accept) that the law is always playing catch up with technological advancements. To be successful, however, we have to be able to forecast the potential issues and challenges and have strategies in place to answer any given scenario. I guess you can call me a legal futurist, always trying to think about what might be three steps ahead—whether presented by outside forces (such as technology) or internal factors (such as team ambition!).

3. Does serving in an in-house capacity change your analysis of risk? For example, does it shift more towards operating with a focus on risk mitigation as opposed to outright risk avoidance which may be the more accepted route at a large firm?

Being an in-house lawyer absolutely should change your risk assessment. It is not usually the role of outside counsel to advise on what decision to make. However, in my role as General Counsel of an entertainment and media nonprofit with the urgent mission to make a massive impact for the betterment of the world, I'm called on every day to advise on risk and/or make decisions taking risk into account.

Risk avoidance is typically not a useful (or realistic) goal for the in-house lawyer. Better, good lawyering commands that in-house counsel assess risk, mitigate it, transfer it wherever possible, and insure against it too. It is equally important to my role that I widen the aperture in how I view risk, looking at it from various angles—legal, compliance, business relationships, and reputational impact, to name a few.

4. What type of legacy do you hope to leave behind in the entertainment industry?

I measure my career success by how well I have championed my colleagues and supported their needs. I often say that I am in the hospitality industry, and my team is the “legal concierge”—we are to help the members of the wider team get to “yes” unless there is a compelling reason to say “no.” Lawyers have a reputation for getting in the way and I don’t subscribe to this approach. Easy lawyering is finding a reason to say “no”; good lawyering is finding a reason to say “yes” and then partnering with your colleagues to make it happen.

When people look back on my career, I hope that they talk about how kind I treated people and that I leveraged my experience in the entertainment industry to allow me and my colleagues to achieve a positive impact in the world.

5. What is the most valuable lesson you have learned thus far in your career? How has that made you a better attorney?

To be successful, you have to be able to bridge the gap between legal analysis and business realities. I’m grateful for the mentors in my career that demonstrate how to translate legal concepts into clear and concise language that a layperson will understand. Shifting the paradigm from “others need to understand what I understand and how I understand it” to “there is an opportunity here to broaden my skills by communicating in a way that sets my colleagues up for success,” is very important. To me, there is a zen quality to this—having a beginner’s mind—by studying deeply the legal nuances of the business you are in and then shedding those nuances to advise your client or colleague in the most effective way possible.

6. What is the biggest risk that you’ve taken in your job? How has that risk helped you in your career or what lessons did you learn from it?

I don’t view any of my career or day-to-day decisions through a risk-taking lens. My decisions in both are often more calculated and studied. Like the big wave surfer, Laird Hamilton, said when commenting on risk, “dealing with a large wave requires understanding its structure and behavior,” a “studied pursuit . . . and a certain cooperation with nature” that removes the most acute risk by only making informed decisions. Similarly, but hopefully not as potentially life-threatening as dropping into a 70-foot wave, my decisions in the practice of law are rooted in evaluating risk and understanding the potential outcomes before making

a decision. Some decisions are arrived at more quickly than others, but I never consider my actions to be risky; just risk-minded and I am willing to accept any of the forecasted or unpredictable outcomes.

7. What is one of the biggest misconceptions in your industry?

I think one of the bigger misconceptions of entertainment lawyers is that we are not a value-add, but merely a necessary backend function of the business. While this may be true for some practitioners, this is not how I view my contributions to any given client. I'm consistently a collaborator in the deal-making process, helping connect the dots and advise on possible structures that will increase the value of each deal for my client. After all, I did serve as a co-executive producer on some of Global Citizen's biggest media productions to date!

And, I also approach any deal with the rigor, thoroughness, and pragmatism that any good lawyer should take when entrusted with matters of legal consequence—and solid contract drafting, for example, can also increase the financial value of the deal, whether that be a favorably drafted accounting provision or the transfer of certain risk that could otherwise cost the client money upfront or sometime in the future.

In summary, I don't think many non-lawyers fully appreciate the value that lawyers can potentially add to the team and the exactness with which we must do our job.

8. What is one piece of advice that you would give to students trying to break into the entertainment industry?

Don't give up. You are not your last "no" or your most recent mistake. If your career path is anything like mine, you're going to have to stay resilient and be prepared to demonstrate your acumen at any moment to prove you're ready for the next level. But also remember, whenever you finally arrive at the place you thought you were hoping to arrive at, there's likely to be another place you will want to grow towards—so, truly, enjoy the ride at every step if you can. Keep on pushing through, and once you do, you're going to have a critical mass of connections, relationships, and credibility, and all that effort along the way may just catapult you into the place you wanted to be!