

# Lawyers assist feuding artists

By SIGRID BATHEN  
Recorder Staff Writer

Three writers collaborating on a book were embroiled in a dispute about bills — a dispute so acrimonious that the three would barely speak to each other.

A graphic artist working with the feuding writers became alarmed about the future of the project and contacted a unique mediation service operated in San Francisco's Fort Mason exclusively for artists, writers and others in the arts.

The service assigned a mediator to the matter the same day, and within three weeks the dispute was settled. The book project resumed.

"I think they finished the book," said Alma Robinson, executive director of Bay Area Lawyers for the Arts (BALA) and director of the group's mediation and arbitration service. "They even sent us a box of candy."

Since it started in 1980, BALA's Arts Arbitration and Mediation Services have handled approximately 300 cases. Clients pay \$25 or 5 per cent of the "amount in controversy," since disputes often involve money. Fees may be waived for clients who meet BALA's low-income criteria.

"About half of the cases involve money," Robinson said. "In others, it's not so much a matter of money as it is artistic integrity, or clearing the air of certain grievances that have accumulated."

"Clearly, it can't be resolved if both parties won't participate," she said. "Sometimes they don't



Recorder photo by Victoria Rouse

Alma Robinson directs mediation-arbitration service for artists.

want to sit down and negotiate with [the other party] but will speak through us."

The most common issue is pay, Robinson said.

"The dispute may involve work to be performed, pay for the work, or perhaps somebody has changed his or her mind about something," she said.

Other frequent disputes among artists involve space, when artists who share studio space may have a dispute about the division of rent payments, or about noise levels.

She recalled one matter in which a 10-year-old community bookstore owned by a group of writers was in danger of closing because "the politics became a source of tension — they were having a lot of internal political dissension which ultimately caused loss of community support and resulted in a lawsuit in Superior Court."

The matter was referred to BALA for arbitration and resolved.

Designed as an alternative to the acrimony, expense and delays of litigation, the mediation service first attempts to convince combatants to simply sit down and talk.

"Often people get to a point where they aren't talking to each other," said Robinson, a writer and a Stanford law school graduate. "The value of this process is to provide a neutral forum in which to resolve the dispute."

In binding arbitration, the arbitrator listens to both parties and reviews the evidence. The arbitrator's decision is final and can be confirmed by a court if necessary.

Mediation is an informal process in which the mediator "facilitates" the discussion — helping both parties to clarify misunderstandings and explore alternatives. Parties agree that any statements cannot be used in later proceedings. When an agreement is reached, it is written and signed by the parties.

In selecting arbitrators and mediators, BALA looks for individuals with "the ability to sort out issues, to work with people evenhandedly and to maintain a neutral posture," Robinson said.

About half of the mediator-arbitrators are attorneys, and BALA often uses an artist-lawyer team to handle disputes. The organization also provides training for mediators and arbitrators.

A non-profit legal services organization concerned with legal issues affecting the arts, BALA was founded in 1974 by a coalition of artists, art administrators and attorneys. It has 800 members — approximately one-quarter of whom are lawyers.

The organization provides a variety of services, including seminars on trademark and copyright issues, a lawyer referral service, a

See BALA, Page 5

4/15/87

# **BALA lawyers help artists with disputes**

Continued From Page 1

bimonthly newsletter on legal issues affecting the arts, a resource library and a service to provide work space to artists.

Funding for the organization comes from various sources, including membership and service fees and grants from the California Arts Council, the National Endowment for the Arts and several local foundations.

"BALA's original goal was to provide legal support and education to artists of all disciplines and to help redress the imbalance artists often experience in the marketplace," Robinson said. "It is that imbalance which often puts artists at a disadvantage because it is such a competitive field."

"Artists can be easily victimized — often because of their ignorance about contracts," she added. "Now it's often the artist who will bring up the matter of a contract to a gallery owner or publisher. Arrangements worked out over a handshake can be very fragile."