

## Copy Write: The Author Survival Guide

29th Annual Horace S. Manges Lecture, March 24, 2016

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There are twenty-eight other people who have given this lecture: seven judges, twelve professors, two doctors, and the last “regular” person was the European Union Copyright chief.<sup>1</sup> In fact, the last time I spoke at Columbia, it was at the 100th anniversary of my beloved *Columbia Law Review*, where I shared the stage with Mary Jo White and Supreme Court Justice Ruth Bader Ginsburg.<sup>2</sup> So I first need to say: thank you for, once again, so clearly lowering your standards for me.

One key order of business. I see so many friends and classmates here today. But there are others who I wish were here: Professors Kellis Parker, Harvey Goldschmid, and Dean Milligan, who I’ll soon talk about. And Rochelle Shoretz, one of my dearest friends from Columbia—the founder of Sharsheret and a former clerk for Justice Ginsburg. Rochelle recently passed away from breast cancer, so this speech is in her memory. And as I think about it, one of the last times I saw Rochelle was at one of Rochelle’s personal celebrations, and Justice Ginsburg was also there—

Holy jeez.

Ruth Bader Ginsburg is totally stalking me!

All jokes aside, thank you to the person who brought me here, beloved Professor Jane Ginsburg, whose mother— Oh my gosh, her mother is—

Such an easy joke. Seriously, thank you Professor Ginsburg, for believing in me before I had a career, from my first days here. Also to Dean Lester, whom I’ve really enjoyed getting to know. To all the folks at the Kernochan Center, who did all the heavy lifting. To the faculty, and of course, my friends. And to my favorite lawyer, who is the only reason I even got into this school: Cori Flam Meltzer.

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1. KERNOCHAN CENTER FOR LAW, MEDIA AND THE ARTS, *The Annual Horace S. Manges Lecture*, <https://perma.cc/KX8B-T3DW> (last visited Oct. 21, 2016).

2. Jennifer Shotz, *Law Review Celebrates 100 Years*, COLUM. U. RECORD (Apr. 7, 2000), <https://perma.cc/L3LN-MCVL>. (That’s right, it happened. Don’t be such a skeptic.)

Everyone gets their start somewhere. And as I looked at it, I can trace my career back to this school, to this exact building. In fact, I remember being at a lecture just like this during my days as a law student here.<sup>3</sup> They invited alumni back to campus for the dedication of this building. And there was Mort Janklow, who spoke about being an agent for Ronald Reagan and the Pope. And there was Bob Shaye, who founded New Line Cinema. And there was this guy, who no one knew. And he said: “When I got out of Columbia Law, I represented a guy named Pete Best and I sued the Beatles. And then I did this little movie named *Saturday Night Fever*. And then I did this movie called *Grease*. And then it didn’t matter what I did.”<sup>4</sup>

And we were listening.

But as I sat there—and I still think of it to this day—I wanted to know: how? How’d this guy do it? Because no offense to Janklow or Shaye, but he was suddenly the most interesting man up there. But again: how? Beside the dumb luck of meeting a guy named John Travolta. So that’s my mission here: to show you how make a career out of that profession that’s at the core of arts and copyright: author.

And again, that all started here for me. The year before I arrived, I was living in Boston. I had just graduated from college at the University of Michigan and I had all this debt to pay off, and this guy named Eli Segal, who was a businessman in Boston, said he wanted to be my mentor. He wanted to take me under his wing. And he said, “Don’t go to law school yet. Come work with me, and if you love it you can stay; if you hate it, you’ll leave with some money in your pocket.” I thought that seemed like a fair deal. So I moved all my stuff to Boston, and the week I get to Boston he leaves the job. And I thought: “Oh man, I’ve wrecked my life.”

So I did what all of us would do in that moment when we think we’ve wrecked our lives. Every person here, I know what you would do when you think you’ve wrecked your life. I said I’m going to write a novel. So I did. I sat down and I wrote my first book.

As I was writing the book, I applied to Columbia Law, and I was one of those people who got invited for an interview. So I sat there with then Dean of Admissions, James Milligan, and we had our interview. I came back to Cori’s apartment and told her and her roommate how badly it went. I only spoke about movies, art, film, and writing. I talked about the things I loved. I blew it. And my dear friend Andy Cohen looked at me and said, “That sounds like it went great.”

*Great?* How’s that great? It was a disaster. I didn’t say anything about the law. And she said those words I’ll never forget. “When it comes to Columbia Law, they

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3. See *Nation’s Leading Judges, Business Executives, and Lawyers to Mark Grand Reopening of Columbia Law School’s Greene Hall*, COLUM. L. SCH. REP. (Sept. 27, 1996), <https://perma.cc/MUT3-U4BG>. (Was so glad I remembered this right.)

4. See Lynn Van Matre, *Making Book On The Pop Music Minefield*, CHI. TRIB. (Oct. 21, 1986), <https://perma.cc/VYF3-XAQS>; see also Gerard Raymond, *Freddie Gershon: Building the Broadway Audience by Empowering Young Performers*, TONY AWARDS (Mar. 3, 2015), <https://perma.cc/YLN4-8TE3> (last visited Nov. 4, 2016).

don't want everyone to be a judge, or a partner in a law firm, or even a law professor. They need some people who will do things differently. That's what makes the school great." She was right. By some miracle, they let me in. In that moment, I learned the one lesson that was most vital: there are the rules—there's the law—but then there's reality.

So here I was, walking in the doors of the law school with a finished manuscript. So what's the first thing I did here? Duh. I got free legal advice. I remember going to see a professor named Jane Ginsburg, who—I did the math—was almost a decade younger than I am right now. I told her I wrote a book. I asked her how to copyright my book. *Was it the little "C" or the little "TM?"* Truthfully, it was like asking the head of the Treasury Department for help with my 1099 tax forms. But Professor Ginsburg also told me I needed an agent. She said I had to submit my book. So I needed to make copies.

I had no money then to make ten copies of a 500 page book. I couldn't afford it. I was on scholarship here. So I went to the Dean of Students back then, a woman named Marcia Sells. I told her I'd buy the paper, but could I just use the copiers here? I even offered to pay for the toner. She looked me dead in eye and said, "Give me the book. I'll make your copies."

So I sent my book out to agents. Professor Ginsburg had even given me Mort Janklow to submit it to. And I had all these New York agents. And I also submitted to one agent in Boston who liked my stuff and offered to represent me.

"Great," I said. "What do I do now?" She said that if I want to be the nice guy, I should call the other agents who I submitted to in New York and tell them not to waste their time—that I'm going with an agent in Boston, and that you don't have to read my book anymore. So I did. And one of the agents in New York said to me, "Brad, you know how books get sold?"

"No . . . how?" I asked.

"Here's how they get sold. I'm sitting at a cocktail party. I'm having a good time. And I see this editor. He's really good looking, so I take him home with me and we sleep together. Then I wake up *naked* next to him in bed the next morning, and he says, 'So, whaddya got?' And *that's* how books get sold."

Right there, I knew I needed to be surrounded by maniacs like this. Publishing, here I come.

From there, we sent out my first book. I quickly got twenty-four rejection letters. To be clear, at the time there were only twenty publishers. I got twenty-four rejection letters. That means some people were writing me twice to make sure I got the point. But I said to myself, if they don't like that book, I'll write another. And if they don't like that book, I'll write another. And the week after I got those twenty-four rejections, I started my next novel, *The Tenth Justice*.<sup>5</sup>

Now, to be clear, I was in this building when I came up with the idea for *Tenth Justice*. I was in Torts, with a professor whom I probably shouldn't name (David Leebron, who also gave me the worst grade of my 1L year), and I was daydreaming. In the back of his Torts class, I opened up the free calendar that

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5. BRAD MELTZER, *THE TENTH JUSTICE* (1997). (Check it out, I just cited myself!)

Columbia gave me, and I wrote down the words: “Supreme Court.” I wrote down the word “clerk.” And then I circled it and wrote “book idea” at the top.

From there, everything I needed to know was right here at Columbia Law School. In fact, as I look back on it, *everything I’ve needed in my entire career, I learned it in that first year of law school* (forget learning in kindergarten, I learned it right here): Contracts, Torts, Civil Procedure, Property, Constitutional Law, Criminal Law, and research & writing. I took research and writing right from the start—and I needed to do research and writing for this book. So I went down to the actual Supreme Court. I knocked on the door.

Now let’s just say, that’s not how you get into the Supreme Court. But thanks to this school, my wife knew someone who actually clerked for the court.

After getting introduced, I told this former clerk my idea for my thriller: a Supreme Court clerk inadvertently leaked a decision before it’s announced to the public. I told her all the twists and turns. And eventually, the clerk said to me, “The scariest thing about your book is that it could happen.”

Now I had a book.

But here was my problem. Back then, if you wanted to be an international lawyer, you could get law school credit for taking a graduate level Spanish class. If you wanted to be an entertainment lawyer, you could get credit for taking a graduate level film class. But if you wanted to write legal thrillers, they said no. They said I needed to find a professor who would be willing to give me independent study credit.

From there, I looked through the course guide and I found Professor Kellis Parker, who taught a class called...*Jazz & the Law*.<sup>6</sup> Right there, I knew. That’s my guy. To be clear, I worked harder for those one or two credits than I did for most of my classes. At the end of the semester, I handed in over 100 pages to Professor Parker. I waited patiently for him to react. And eventually, he said to me, in the coolest voice of all time...

“Keep going, baby.”

He was jazz incarnate. *Keep going, baby*. So I did. From there, I got lucky. My book sold. All it takes is one person to say yes. From there, I finished writing it.

Again, back to those 1L classes: in Constitutional Law, forget learning the nuances to write about Supreme Court cases. I used Constitutional Law for the characters themselves. Professor Henry Monaghan was the model for the Chief Justice in my first novel. Why? Because in class, he said these things: “Life is a tragedy for those who feel, and a comedy for those who think.” “Farmers are Jeffersonian reactionaries who haven’t had a progressive thought in their lives.” With gems like that, those scenes wrote themselves.

When I was in Tax Law, I’d raise my hand and say, “Hypothetically, if you had a law student, and he wanted to write legal thrillers, could he deduct his tuition to law school?”

“No, Brad,” the professor would reply. “You can’t deduct your tuition.”

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6. See Jayson Blair, *Kellis E. Parker, Law Professor and Activist, Dies at 58*, N.Y. TIMES (Oct. 16, 2000), <https://perma.cc/DA7K-MPH5>.

But again, what I was learning most was how the law actually operated.

Soon after, I was signed by a publisher for a two-book deal.<sup>7</sup> I was excited. My deal was in place. And the day before my Corporations exam, my publisher announced that my editor was leaving the company.

That meant my book was dead meat.

“Don’t I have a contract?” I asked. I took Contracts. That was first year.

“Sure, and you can stay here,” my publisher told me. “But if you do, we’ll bury your book.” Think it never happens? There’s a book written by an old friend. He had a two-book deal and when the first book didn’t sell, they crushed the next one. No one could be more despicable than these people.

Now let me tell you about Hollywood. When it comes to 1L classes, I’ll put this under the section of Criminal Law. I moved on to a new publishing house. I left the old one and took a leap of faith, starting over with my first book. It didn’t matter that I had a contract. There’s the law and then there’s the reality.

So now, Hollywood. *The Tenth Justice* got optioned by Hollywood.<sup>8</sup> And I went to those in the law school who knew about entertainment law, and they helped me with the contract. My friend and fellow law student Paul Brennan was working for an entertainment firm and told me that in most film contracts at the time, there was a standard clause called a turnaround clause. The turnaround clause laid out the amount of time before the rights would “turnaround” and revert back to me.<sup>9</sup> Typically, he explained, that amount of time was six to seven years. But the studio I was negotiating with wanted eight years.

“No way,” I told them. And then I played hardball. I said that if they didn’t play fair and reduce it to my six or seven years, I’d take my book back and they could have nothing. Amazingly, they gave in. I thought I won.

That is, until the galleys for my book came out.<sup>10</sup> Now, on the back of the galley, it said: “Soon to be a major motion picture by ‘this studio.’”

Things are going well, right?

Not so. The moment those galleys went out to reviewers across the country, the studio called me up, reminded me they didn’t sign the contract yet, and said, “Brad, we changed our mind. We want eight years in that turnaround clause. And if you don’t give it to us, we’re cancelling the deal and you’ll have to call every reviewer in the country and tell them that there’s a misprint on the back of your first novel.”

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7. See James Barron, *Presumed Best Seller; Law Student Wins Top Money for First Novel*, N.Y. TIMES (May 18, 1996), <http://www.nytimes.com/1996/05/18/nyregion/presumed-best-seller-law-student-wins-top-money-for-first-novel.html>. (The Columbia Law PR guy actually changed my life by setting up this interview.)

8. See Michael Colton, *Brad Meltzer’s Winning Argument*, WASH. POST (Aug. 1, 1997), <https://perma.cc/D7PZ-LFPJ>. (The reporter came to my apartment. We cleaned for him.)

9. See generally Peri Flugler, Comment, *The End Is Nigh: Will Turnaround Agreements Lead to Hollywood’s Financial Demise?*, 19 WIDENER L.J. 977 (2010).

10. Galley proofs “are preliminary versions of a publication meant for review by the author, editors and others within the publishing house.” *Advanced Copies, Galleys, Proofs, & other Pre-first Edition Books*, ABE BOOKS, <https://perma.cc/VT43-2LZX>. (The editors added this, thinking you wouldn’t understand. Good for them. I’m writing this just to see who’s paying attention.)

Faced with that, I had two choices. I could stand strong. Or I could cave and completely give in.

My decision was instantaneous.

I caved faster than anyone in the history of caving.

This was my first book. I was in major debt. I couldn't afford to throw it all away.

Even the setup of the system is ruthless in Hollywood. In the law, as a lawyer, you have a fiduciary duty to represent your client. If you have a client, and someone comes in whose interests are opposed to that contact, your firm won't take that new client.<sup>11</sup> But in Hollywood, having two clients on opposing sides? That's called Monday, and Tuesday, and Wednesday. Because in Los Angeles, what gets looked out for the most is *the deal*.

It's a rough lesson. It's a hard lesson. And you better believe, it's reality.

Of course, there are moments where the law school helped me get sweet revenge. At one point, the head of a Hollywood studio—the actual head of it—decided that the plot of *The Tenth Justice* couldn't happen. That it wasn't realistic. So I called up Professor Harvey Goldschmid—my Corporations professor, who happened to be a Commissioner at the SEC. And he wrote to the head of the entire studio, on SEC stationery, saying, “Brad's book could totally happen.”

Still, the further I got, I learned again and again, there's the law and then there's the real life application of it.

When I wrote my second book, *Dead Even*, I had a character sing two funny lines from the song *Everything's Coming Up Roses*.<sup>12</sup> Soon after, I got a letter in the mail that said, “Brad, the good news is, I'm a huge fan of yours. The bad news is, I represent the estate of Stephen Sondheim and you now owe us \$6,000.” That's the law, right? But here's the reality. I was able to negotiate it down to \$2,000 because we were both from Miami, and I was young (and stupid).

It didn't just happen for the thrillers. When my son was born, I wanted to write a book that lasted his whole life. So I wrote *Heroes for My Son*.<sup>13</sup> It was a book that included the stories of Helen Keller, Abraham Lincoln, and Rosa Parks. I also included entries on John Lennon and Jim Henson. In their entries, I wanted to include their famous songs.

When we went to John Lennon's estate, they told me that I could only use the lyrics of *Imagine* if they got to edit my writing. It was their right. But in honor of John Lennon, I did the most John Lennon thing I could think of when someone tried to control my art. I told them to go screw themselves.

When we went to Jim Henson's estate, we needed permission for the lyrics of *Bein' Green* by the great Joe Raposo. When I finally contacted Raposo's son, he

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11. See, e.g., 27 WILLISTON ON CONTRACTS § 70:30 (4th ed.) (“Clearly a fiduciary relationship exists between an attorney and client”); *Beery v. State Bar*, 739 P.2d 1289, 1294 (Cal. 1987) (“The attorney-client relationship is a fiduciary relation of the very highest character”) (citations omitted). (See, I remember stuff!)

12. BRAD MELTZER, *DEAD EVEN*, 245 (1998). (Citing myself again. Zing!)

13. BRAD MELTZER, *HEROES FOR MY SON* (2016). (Trifecta!)

told me: “Brad, I love what you’re doing. You can use the song, no problem.” I’ll never forget his kindness—or that lesson: making a connection is so vital.

Never underestimate the power of the law. But also never underestimate the power of human interaction to help you navigate through it. It’s one of the things I wish the John Travolta guy told me all those years ago. He sold us that as luck, as happenstance. And it was. But it was also skill. It was charm. It was an understanding of the human application of this sacred thing we call the law.

So, back to our lives as first year students. Let’s talk about Property. I was a Teaching Assistant for Property, hired by Professor Berger.

Property.

In my own books, there are things I have rights to.<sup>14</sup> Things that are all mine. But there are others’ rights too. And I learned these when I started telling other people’s stories, launching my own line of children’s books, from *I am Amelia Earhart*<sup>15</sup> to *I am Martin Luther King, Jr.*<sup>16</sup> I can tell their stories, right?

Of course I can.<sup>17</sup>

But along the way, we decided we wanted to also do some merchandise for the books. Here, the law gets trickier. And how’d I find this out? I called my friend and fellow Columbia Law classmate, David Leit. He told me that when it came to merchandise, it wasn’t simply writing a nonfiction book about a famous person, which is protected by the First Amendment.<sup>18</sup> To do a T-shirt, or a poster, now we’re touching people’s rights of publicity. To put it more clearly, you want to write a nonfiction children’s book about Amelia Earhart, you can write it. As a society, we want people to be able to tell factual stories about history. We need to encourage that. But if you want to make Amelia Earhart dolls to sell, you’re stepping into new territory.

The so-called right of publicity, though, is tricky. It’s governed by state law, and therefore, where you die governs whether there is a postmortem right of publicity, and if so, how long that right lasts.<sup>19</sup> There are also issues about how to determine “where you die”—it’s usually based on where you were “domiciled” when you died.<sup>20</sup>

So where did Amelia Earhart die? Over the ocean, right? No. Not according to the law. Amelia Earhart was domiciled in Indiana when she died, or that was our

14. 17 U.S.C. § 201 (2012) (“Copyright in a work protected under this title vests initially in the author or authors of the work.”). (That’s right. Back off! It’s mine!)

15. BRAD MELTZER, *I AM AMELIA EARHART* (2014). (I will never tire of this joke.)

16. BRAD MELTZER, *I AM MARTIN LUTHER KING, JR.* (2016). (*Id.* to above statement about the joke (extra points since I remember what *Id.* is.))

17. U.S. CONST. amend. I.

18. *Id.* (Totally forgot what *Id.* was. Stole it from here.)

19. Aubrie Hicks, Note, *The Right to Publicity After Death: Postmortem Personality Rights in Washington in the Wake of Experience Hendrix v. HendrixLicensing.com*, 36 SEATTLE U. L. REV. 275, 278 (2012).

20. *Experience Hendrix, L.L.C. v. Hendrixlicensing.com, Ltd.*, 766 F. Supp. 2d 1122 (W.D. Wash. 2011) (noting that virtually all courts have applied the law of the deceased’s domicile to determine whether a right of publicity descended).

best research, and Indiana has a very protective statute, covering her out to 2037.<sup>21</sup> So today, Amelia Earhart is well protected.

Eleanor Roosevelt died in New York, which has no postmortem right of publicity.<sup>22</sup> Every state is different.

Rosa Parks died while living in Detroit. Michigan does not have a statute on point, but a federal appeals court has held a postmortem right of publicity to exist.<sup>23</sup> Since it is a creation of common law (and not even by a Michigan court), the length is unclear, and then there was a lawsuit with the band OutKast that, well . . . you get the point.<sup>24</sup> It's complicated.

Jackie Robinson died in Stamford, Connecticut, in 1972. Connecticut doesn't have a statute, but a New York federal court held that the Connecticut Supreme Court would hold there to be a common law right that extends postmortem in a case involving Jim Henson's postmortem right of publicity.<sup>25</sup> It's a head-scratcher sometimes. But again, there's the law, and then there's the reality of how it plays out.

In my world, we had everyone warn us: when we do the book *I am Lucille Ball*, CBS will fight you hard on the rights to *I Love Lucy*. But when we called CBS, they were nice as could be. They loved the book and just wanted to be listed in the credits.

We were also warned about Dr. King's estate, which famously refused to let Dr. King's words be used in the film *Selma*.<sup>26</sup> But again, for us, Dr. King's family was as nice as could be. They told us the fee and we happily paid it.

Most recently, we were doing *I am Jane Goodall*.<sup>27</sup> In this case, Jane Goodall is still alive. She was proofing the book.

Her one request?

There's a scene in the book where we show that when she was a little girl, she used to dress her dog in pajamas. Dr. Goodall then asked us to please take the pajamas off the dog.

"Why?" I asked. "Did that not happen?"

Oh, it happened, she told us. But if we show it like that, then kids around the world will start dressing their pets up in clothes, and that'll be bad for the animals. Were we factually accurate? Yes. But we needed to be sensitive to her and her

21. Ind. Code Ann. § 32-36-1-8 (West, 2016).

22. N.Y. Civ. Rights Law § 50 (Consol. 2016) limits the right of privacy to "any living person." "[T]he 'right of publicity' is encompassed under the New York Civil Rights Law as an aspect of the right of privacy." *Stephano v. News Grp. Publ'ns*, 64 N.Y.2d 174, 183 (1984).

23. See *Herman Miller, Inc. v. Palazzetti Imps. & Exps., Inc.*, 270 F.3d 298, 326 (6th Cir. 2001) (holding that the district court did not err in recognizing a post-mortem right of publicity under Michigan common law).

24. *Parks v. LaFace Records*, 329 F.3d 437 (6th Cir. 2003).

25. See *Jim Henson Prods. v. John T. Brady & Assocs.*, 867 F. Supp. 175, 189 (S.D.N.Y. 1994) (holding that Connecticut's Supreme Court would recognize a postmortem right of publicity).

26. Jonathan Band, *Can You Copyright a Dream*, POLITICO (Jan. 12, 2015), <https://perma.cc/L3VD-WBBV>.

27. BRAD MELTZER, *I AM JANE GOODALL* (2016). (Never. Gets. Old.)

amazing legacy. Forever, she was protecting animals. How could we build a book on the backs of that?

My real point? When it comes to the application of copyright, trademarks, and intellectual property, so much of it is human touch. And I saw it far outside of the realm of books.

On my TV show, *Decoded*, we saw the full range of these decisions. On one episode about Abraham Lincoln's assassination at the hands of John Wilkes Booth,<sup>28</sup> I was approached by the lawyer representing the Booth family. They wanted to tell me what really happened the night Abraham Lincoln was shot. Why me? I believe they trusted me as a lawyer.

On another episode, where we tried to get into Fort Knox,<sup>29</sup> we thought we were absolutely getting in. But then we were shut down by the Treasury Department. Not everything always works out fine and easily.

And on a third episode, where we tried to get into the secret society known as Bohemian Grove, three members of our team thought about sneaking inside.<sup>30</sup> Two of them were arrested. They spent nine hours in jail before they were allowed to call us. They were terrified. Only Scott Rolle, the team member who was a lawyer and prosecutor, got away. It's just as vital a lesson.

You can push, but there will also always be consequences.

So where does that really leave us? At the start of this, I told you I wanted to answer one question: *how?* How do you build a career in this world of art and the law—in this world of copyright and intellectual property, and in rights of publicity? As an answer, I mentioned to you that everything I needed in my career as a lawyer, I learned in this school. I still believe that. But as I was putting this talk together, as I went back through each story, I realized I left out the greatest thing this school gave me: its people.

Dean James Milligan.

Dean Marcia Sells.

Professor Jane Ginsburg.

Professor Kellis Parker.

Professor Henry Monaghan.

Professor Harvey Goldschmid.

Paul Brennan.

David Leit.

Every problem I had, nearly every question I faced, I found the answer from someone at Columbia. Yes, the intellectual information in our classes is vital. But its application—its nuances, its understanding—it always comes through the human filter. And it always will.

Indeed, here's how a twenty-four-year-old law student once put it:

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28. *Decoded: The Lincoln Assassination* (History television broadcast, Dec. 23, 2010). (Note: the actual title of the show is *Brad Meltzer's Decoded*. I'm suing everyone here!)

29. *Decoded: Ft. Knox* (History television broadcast, Oct. 5, 2011). (Id., people!)

30. *Decoded: Secret Societies* (History television broadcast, Jan. 27, 2011). (Id. some more!)

Listen, when I first got to law school, I always used to say that if the Supreme Court was really about true justice, then every issue, no matter who was on the Court, would come out with the same result. If *Roe v. Wade* granted abortion rights in 1973, then the decision shouldn't be overturned just because some conservative justices came onto the Court. But over time, I've realized that that's the beauty of the law. We decide each case individually. No fact pattern is exactly the same, and every justice takes all the different facts into account. If we wanted the same decision every time, we wouldn't need judges—we'd get robots we could plug the facts into, who could reach the same cold, logical decision. But who the hell wants a robot deciding their life?<sup>31</sup>

Those words? They were written by me. While I was here at Columbia. I wrote them in my first book, *The Tenth Justice*.<sup>32</sup> And yes, I just quoted myself to prove my point. But my point remains the same. There is the law, and there is the application of it. That application will always run through people.

The human nature of the law—the human application of it—is the beauty of it. It is the “*how?*” of “how do you navigate a career in the world of intellectual property?”

The best part of us is that we are all strong, flawed, amazing, scared, confident, terrified, and breathtakingly powerful—many of us all in the same day. Understanding and appreciating that is how you will pilot yourself through your adventure.

And the other part of it? It will be pure desire. When this human battle wears you down, you'll move on. As with anything in life, though, to succeed, you must be willing to fight for it. Again, I learned that on day one.

During my first semester of my first year at Columbia Law, I was studying for my first set of finals. There was a big Civil Procedure review session, and right before it started, I got a phone call from a book agent in New York.

She told me, “If you come down to my office right *now*, I'll read your book.” Her office was downtown. My Civil Procedure review session was about to start.

So, what did I want more: this life as an author, or this single grade? This published book, or understanding the difference between personal jurisdiction and whatever other kind of jurisdiction there is?

It was, for me, a perfect metaphor.

*C'mon.*

Where do you think I went that day?

That is the final “*how?*”

Whatever it is you want in life, whatever it is you're chasing—life as a professor, partner, screenwriter, copyright expert, a practicing attorney, or even a practicing author (because really, we are all forever practicing)—you must push forward. You must fight for it. You must love it. When you do, I believe you will—eventually—be unstoppable.

31. BRAD MELTZER, *THE TENTH JUSTICE* 178 (1997). (Full circle, baby!)

32. *Id.* (I am now citing a cite of myself. That creates an infinite time loop and screws with the space-time continuum. I live in the Tardis! I fly a DeLorean!)