

Rising Star: Loeb & Loeb's Tal Dickstein

By Kurt Orzeck

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Tal Dickstein helped Loeb & Loeb LLP notch a massive trial victory for Sony Corp. when he helped obtain dismissal of copyright infringement claims over Shakira's hit song "Loca," earning him one of the five spots on Law360's 2016 list of top media and entertainment attorneys under 40.

Dickstein landed on the Rising Stars list by helping persuade a New York federal judge to reverse his earlier finding of liability by showing that Mayimba Music Inc.'s witnesses had fabricated evidence and fraudulently testified at an earlier trial in order to assert claims that "Loca" infringed the copyright of a song written by a Dominican songwriter and allegedly recorded onto a cassette tape in 1998.



Tal Dickstein

Dickstein said that, a week before trial started last summer, he flew to the Dominican Republic to take the deposition of a key witness who helped prove the cassette was a fake.

"This case showed that music is an area where, unfortunately, people sometimes feel they can game the system and claim credit for songs they didn't create," Dickstein said. "Fortunately, in this case, our clients had the resources to fight the suit and expose the fraud."

Despite his young age — 36 years old — Dickstein already has deep background in the music industry. In addition to the Sony case, he is representing Latin Grammy Award winner Juan Luis Guerra and Universal Music Publishing Group over claims and counterclaims for copyright infringements against Guerra's former record label and publisher, Karen Records.

"Karen has said that, even though it decided to part ways with Guerra, it's still entitled to a portion of his publishing royalties," Dickstein said of the ongoing case.

In another pending case, Dickstein is representing music publishers including ABKCO Music, Sony/ATV and Warner Chappell Music in their copyright infringement claims over more than 200 copyrighted musical works by the Rolling Stones, R.E.M. and others. The music publishers claim some websites are illegally streaming vintage concert recordings.

The attorney has expanded his breadth in the entertainment sector by representing William Morris Endeavor Entertainment against claims in which former Olympic gold medalist and figure skater Oksana

Baiul accused the talent agency and others of stealing millions of dollars in promotion and merchandising royalties.

Dickstein was among the Loeb & Loeb attorneys who successfully moved to dismiss all claims against William Morris, with a judge deciding the claims were blocked by a statute of limitations.

“Her lawyers raised a number of arguments to try to get around the statute of limitations defense, so it was a bit like playing a game of whack-a-mole,” Dickstein said. “But in the end, we won.”

Those achievements added to a growing list for Dickstein, who obtained his law degree, magna cum laude, from the Benjamin N. Cardozo School of Law in 2004 and then served for two years as a law clerk in the U.S. District Court for the Southern District of New York.

After a one-year stint as an associate at Jones Day, Dickstein joined Loeb & Loeb in October 2007 in the same capacity, then made partner last year.

Dickstein says his relatively young age works in his favor in the music industry, where he is faced with applying the antiquated Copyright Act, which hasn't been updated in 10 years, to new and changing technologies.

“When I was in college, Napster was in full swing. Now everyone is using streaming services like Spotify and Pandora,” Dickstein said. “Growing up during the digital revolution gave me a good perspective on how copyright laws can be applied to new technologies and methods of distribution.”

Dickstein advises younger attorneys to locate and nurture strong mentoring relationships, as he has done with Loeb & Loeb partner Barry Slotnick, who himself made Law360's list of Media and Entertainment MVPs for 2015.

“Treat everyone at your firm with respect — not just other partners and associates, but even paralegals, assistants and the people who deliver your mail,” Dickstein said.

--Additional reporting by Kelly Knaub. Editing by Emily Kokoll.
