

# Shaman

## AT THE NEGOTIATING TABLE

Want to jump-start your career?

Get fired by Michael Jackson

By Stan Sinberg

Portrait photography by Larry Marcus



Branca and Hall of Famer Carlos Santana.



Branca with Jimmy Vaughan, Steven Tyler, and Carole Fields Arnold.

When you think of names that transformed rock 'n' roll, you think the Beatles, the Rolling Stones, Bob Dylan, John Branca, Michael Jack-

John who?

OK, maybe John Branca's name doesn't trip off your tongue. But consider this: without John Branca, music entertainment lawyer *extraordinaire*:

- Michael Jackson's *Thriller* video would never have been released
- Brian Wilson of the Beach Boys would likely be long dead
- Every rock 'n' roll tour in recent memory would look totally different
- And on this particular Wednesday morning at Occidental College in Los Angeles, legendary rock guitarist Carlos Santana wouldn't be receiving an honorary doctorate in music.

"I'm the first in my genealogy to graduate college,"

Santana, clearly moved, tells the class of incoming freshmen. Placing the cap and gown on Santana, and looking every bit as proud, is Branca, who arranged the whole shebang for his client and friend.

The thoughtfulness behind this act is part of the reason why Branca, 54, wiry and looking like a rock star himself, has represented more artists in the Rock and Roll Hall of Fame — 29, including Michael Jackson, Carlos Santana, Aerosmith, the Rolling Stones, the Beach Boys, ZZ Top, Fleetwood Mac, the Bee Gees and the Doors — than anybody else. And why he's been listed in all 12 editions of *The Best Lawyers in America*. And why rockers dig the guy so much that, for instance, at Branca's first wedding ceremony, Jackson was best man (accompanied by Bubbles the Chimp, wearing a tux), Little Richard was the minister and David Lee Roth hosted the bachelor party. (If that doesn't impress you, at his second



At Branca's first wedding, Michael Jackson was the best man, Little Richard was the minister and David Lee Roth hosted the bachelor party. At his second wedding, the pope sent a representative.



wedding, the pope — the real pope, not some bling-bling-wearing hip-hop artist by that name — sent a representative.) And why his deals have revolutionized the way the music business works.

It boils down to the fact that John Branca loves rock music and the artists who make it, and he's in a position to make a qualitative difference in the musicians' lives.

Take the Brian Wilson story. When Branca first became an entertainment lawyer, at age 27, for what's now Ziffren, Brittenham, Branca, Fischer, Gilbert-Lurie, Stiffelman & Cook, he attended a meeting with the Beach Boys. There, Branca found a corpulent and nearly catatonic Brian Wilson with his head buried on the desk. The other Beach Boys were evenly divided, 2-2,

over whether to fire their manager, Steve Love. Wilson had the deciding vote.

Branca instructed Wilson, "Brian, if you're in favor of firing Steve, bang on the table once. If you're against, bang twice." Wilson, Branca says, banged three times.

It's one of Branca's countless anecdotes about rock stars, but it was also a "bang for help." A couple of years later Branca, Wilson's brother Carl, and their manager, Tom Hulett, staged an intervention, forcing Wilson into a treatment program, which is widely acknowledged by insiders, Brian included, for saving his life.

And he may have saved Michael Jackson from torpedoing his career before it catapulted

**BRANCA FACTOIDS**  
When Jackson did the famous Pepsi commercials, Branca convinced Pepsi execs to agree that Jackson would never touch the can and would appear in the ad for only three seconds.



But for Branca, Michael Jackson might not have become a household name.



into the stratosphere.

The year was 1983. Rock music videos were still in their infancy, the average video had a budget of \$50,000, and MTV was being criticized for not playing black artists.

In that atmosphere, Jackson told Branca he wanted to budget \$1 million for his next video, *Thriller*. When the lawyer blanched, Jackson snapped, "Make it happen."

Branca was temporarily flummoxed, but he persuaded Showtime to pony up \$1.2 million for a "Making of *Thriller*" video — the first "making of" video documentary of its kind.

In the *Thriller* video, Jackson turns into a werewolf. But Jackson, a Jehovah's Witness at the time, was scolded by church elders, who told him that his werewolf transformation promoted demonology. Jackson ordered Branca to destroy the video before it was ever released.

"That was insane," said Branca, who had the master copy. "I couldn't destroy it."

Desperate, Branca called Jackson. "Michael, you remember Bela Lugosi? He was a very religious man" — Branca had no idea whether Lugosi, who played Dracula, was religious or not — "and Bela has a disclaimer on his movies that his films don't endorse vampirism." Branca convinced Jackson to place a similar disclaimer on *Thriller* ("Due to my strong personal convictions, I wish to stress that this film in no way ...") — and music video history was changed. In the five days following the initial airing of the video,

*Thriller*, the album — which had already been out a year and a half — sold a million copies. Branca was suddenly in the national spotlight, and the most famous entertainment representative in the world.

**B**ranca's mother, Barbara Werle, tagged John for big things, literally from birth. Werle is a show-biz mom who danced on *The Ed Sullivan Show*. When it

came time to deliver baby John, Werle, who resided in Mt. Vernon, N.Y., went to the hospital in neighboring Bronxville, because she believed it made for a classier address on the baby's birth certificate.

His mother moved to Los Angeles to pursue a show business career, leaving John, 4, behind to live with his father, John Sr., who was a major league baseball prospect before being drafted for World War II (his uncle, Ralph Branca, was the opening-game pitcher for the Dodgers in the 1947 World Series). His father later became New York State Athletic Commissioner and a New York assemblyman.

At age 11, Branca joined his mother in L.A., and at 13, started a rock band, The

Other Half, playing keyboards and guitar, as well as penning the songs. At 16, the band had a record deal, and occasionally opened for the Doors at the Hullabaloo Club. "We even headlined there once when they couldn't get anybody good," he jokes. He remembers a night Jim Morrison was so drunk he fell off the stage, a bit that got so much attention Morrison developed it into a shtick in later performances.

But his studies faltered, and, he reluctantly admits, he "got into drugs" and wound up in the hospital where Werle gave him an ultimatum: Either go back to school or get a job. Realizing he wasn't qualified for the latter, Branca opted for school. But that didn't really take, and one day Branca marched into the principal's office and announced, "I'm done." And, amazingly, the principal let him go and let him graduate. "It was perhaps an indication of early negotiating skills," Branca says, "since I accurately read the principal's capacity for aggravation (limited) and real motivation for tuition and told him there was no chance of me staying. I told him to look at my IQ scores, compare me with the other students and the motley faculty, and ask what they really could teach me."

In the few months before college began, however, Branca's mother worried that her son would backslide, and enrolled him in a slew of opera and ballet classes.

"There were 20 women and me. It was humiliating," he says of the ballet class. Although his classmates included Joanne Woodward and Yvette Mimieux, Branca grimaces. "It was the worst. College never looked so good."

At Los Angeles City College, he majored in music but soon realized that, "unfortunately, I had inherited my mother's athletic ability and my father's music skills." He transferred to Occidental, where he "got practical." Upon graduating, he enrolled at UCLA School of Law and received his J.D. in 1975.

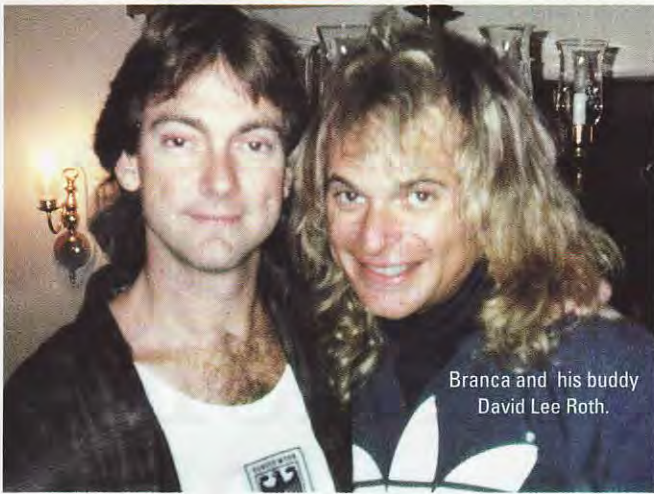
It was while working as an estate planner at another law firm that Branca ran across an article in *Time* magazine about Elton John being represented in legal negotiations. "It was like a bell went off," he says. "I thought, 'That's what I should be doing.'"

**I**n 1990, Jackson abruptly left Branca when record company mogul David Geffen convinced him that Branca exerted too much control over him. Branca feared his career would nose-dive. Instead, the next three years proved his most productive. During that time he worked out deals for ZZ Top, the Rolling Stones and Aerosmith, with the latter signing what's considered to

#### BRANCA FACTOIDS

Branca lives in a 25-room mansion in the exclusive Beverly Park section of Beverly Hills, with Linda, his wife of five years, sons John Connor, 3, and Dylan Gregory, 2, and daughter Jessica, 17, from his first marriage, who lives there part-time. The house is crammed with Italian antiques and mementos of his two passions, music and sports, including a highly valued baseball card collection.





Branca and his buddy David Lee Roth.

be the first rock “mega-deal,” a four-album pact reported to be worth up to \$50 million

That Aerosmith was pleased can be gleaned from the letter the band wrote that hangs on a wall in Branca’s house:

Dear John,  
 Thanks ~~a million~~  
~~An unprecedented amount~~  
~~An undisclosed sum reported to be greater than that which any rock n roll band has ever...~~  
 A LOT!!

When the Rolling Stones rolled out their “Steel Wheels” tour, Branca again changed the way the game was played. “Up until then, local promoters handled each concert city,” he says. “What we did with the Stones was give one company control of all the sponsorships, venues, ticket sales and merchandise in North America. This made a tour much easier to organize, so venues could be secured earlier and tickets sold sooner.” It quickly became the template for how major concert tours were arranged.

One key to Branca’s success is that, tempting as it must be to party with his artists, like the Stones, Branca resists. “I’m supposed to be the authority figure. If I’m getting drunk and sloppy, are they going to listen to me? Because when it comes to raising hell, I’m not as good as they are. They’re world-class.”

Another reason he’s successful is that he wants to right what he believes is the inequality of record deals that are stacked against the artist.

“They’re made to sign six or seven album deals, which can span a career. Over time, management changes or loses interest, and the artist suffers. So you have to find leverage to renegotiate the contract.”

Also, when songwriters lose the copyrights or royalties to their songs — as too often they do — Branca is proud to be able to regain them, as he’s done for Don Henley of the

Eagles and John Fogerty of Creedence Clearwater Revival, among others.

And a third key is his creative deal-making ability, praised even by those who sometimes sit on the other side of the table.

Berry Gordy, founder of Motown Records, calls Branca “a good friend, a great quarterback, and the Smokey Robinson of deal making.”

Jordan Schur, president of Geffen Records, gushes, “John is an innovator. He’s constantly thinking of new ways to do deals.”

And Jeff Kwatinetz, head of the giant entertainment management company The Firm, says, “It’s very easy for lawyers to find reasons deals shouldn’t work. John’s a deal-maker, not a deal-breaker. He’s as good an entertainment lawyer that has ever lived or breathed.”

While Branca’s deals have changed the music industry, the industry constantly evolves, as well. For one thing, as rock music has declined, Branca has taken on a number of rap and R&B artists, including Eminem, Alicia Keys and Nelly.

For another, there are far fewer record companies than when he started, resulting in fewer deals and less money for artists. There’s also the explosion of music downloads to deal with, and the assortment of ever-new rights to be negotiated, including cell phone ring tones.

But Branca keeps innovating too. The same day as the Santana ceremony, Branca completed a revolutionary deal between the group Korn and EMI, its record company. Whereas record companies are traditionally involved only in a band’s

CDs, leaving the group to fend for itself in other areas like touring and merchandising, EMI now partners in all aspects of Korn’s operations, increasing both sides’ incentive to succeed in all areas.

“In the future, this will be a new model for how music deals are constructed,” Branca predicts.

After the ceremony honoring Santana, the new doctor describes Branca in terms attorneys don’t hear very often: “Lawyers are like shamans. Shamans use the law of nature; lawyers use the laws of reason. Shamans protect against curses and hexes; lawyers protect against parasites and leeches. I feel very protected by John.”

Santana left out that shamans are also about transformation. Which is fitting for a guy who transformed rock ‘n’ roll. ♪

### BRANCA FACTOIDS

Branca has also represented non-artist clients like *Forbes*, *Penthouse*, *Playboy*, actor Ron Perlman, boxer Mike Tyson, MCI and founder of Virgin Records Richard Branson. For the Vatican’s Jubilee in 2000, Branca advised the church on which acts would be appropriate to perform there (Celine Dion, sí; Madonna, no).

### BRANCA FACTOIDS

During the time Prince changed his name, he signed a \$100 million deal with Warner Brothers records. A month later he called up Branca’s partner, Gary Stiffelman, and said, “I want to make a deal with Sony.” Stiffelman said, “You can’t do that; you just signed an exclusive with Warner.” Prince replied, “That deal was for Prince. This one is for ‘The Symbol Man.’” When Prince learned he couldn’t do it, he started wearing the insignia “Slave” across his forehead.