



# Making Music Your Business: A Practical Guide to Making \$ Doing What You Love

By Traci Truly

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## Making Music Your Business: A Practical Guide to Making \$ Doing What You Love By Traci Truly

There is nothing you love more than making music and performing. But you also realize that to make money doing what you love, there is a lot you need to learn.

To be successful you need more than talent. Making Music Your Business gives working musicians what they need to make more money with their music and take their passion to the next level.

Get inside information and learn how to:

- Sign a manager, business manager and booking agent.
- Sell more CDs and merchandise.
- Deduct the cost of equipment from money you make.
- Legally sample and cover other artists' music.
- Use your press kit to book shows.
- Protect the music you write.
- Rid your band of deadbeat members.
- Decide which publishing company to join.
- Make more at shows.
- Succeed with a better website and by using online music sources.

The music business is as much about the business as the music.

Be a success at both.

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### **Editorial Review**

#### **From the Author**

Traci Truly received her BBA and JD degrees from Baylor University and has practiced family law for ten years. In addition to various lawyer organizations, she is a member of the Texas Coalition for Juvenile Justice and the American Professional Society for Abused Children. Traci is presently practicing law in Dallas, Texas.

#### **About the Author**

Traci Truly received her law degree and undergraduate business degree from Baylor University. She has practiced law in Dallas, Texas since 1985, and has represented many small businesses. She currently represents Omni Entertainment, a Dallas entertainment company, and Mustang Booking Agency, also located in Dallas. Ms. Truly has written or coauthored several legal guides, including *How to Start a Business in Texas* and *Teen Rights (and Responsibilities)*, which was named to the New York Public Library's 2003 Books for Teen Age list. She has appeared on Fox Television (*The Rob Nelson Show*) and on the Fox New Channel (*Dayside with Linda Vestor*) and in *Seventeen Magazine*.

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#### **How to Do Business with Booking Agents**

Excerpted from *Making Music Your Business* by Traci Truly, Attorney at Law  
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Another important member of your team is the booking agent, also known as the talent agent. As previously discussed, the management team is responsible for advising the artist on his or her musical career, but not for actually securing employment for the artist. It is the booking agent who fills this role.

As a band just starting out, you have probably been doing all of your own booking, so you know what a time-consuming process it is to contact clubs and arrange for shows. The music business being what it is, you have undoubtedly experienced having shows canceled at the last minute, having the line-up changed at the last minute, and having other bands not show up. You may have worked hard to get booked into a club, only to end up playing with other bands whose musical style does not mesh with yours. This can be a problem if the styles are so far apart that each band's fans hate the other band's music.

Depending on your hometown and your genre of music, you may have had trouble even getting paid for the shows you play. Many clubs, especially in places with active local music scenes, are reluctant to pay new bands until the band has established a reputation for being able to bring out people to the club and hold on to the people already there.

#### **WHAT A BOOKING AGENT DOES**

Over time, a band can work hard and establish a good reputation in its hometown and overcome most or all of the normal problems on their own. However, it does take a long time and it requires a great deal of work on the band's part. Hiring a booking agent can be a definite help in this area. A good booking agent will be able to get you booked into the venues that are best suited to your music, help you break into the best local venues, and help you get paid for your shows. Your booking agent

will know the going rate for venues in your area and for bands that play your type of music. The booking agent should also be able to help you get good bills, so that you are playing with bands that fit well with you and that already have an established fan base. This can help you broaden your own fan base and improve your draw at the local clubs.

For a local band in the early part of its musical career, it can also be difficult to get shows in cities beyond your local area. The venues in the other areas do not know you or your music, and are hesitant to book unknown acts. If you are working with a booking agent, he or she will be able to help you get these shows, because they will have already established good working relationships with the talent agents for the venues in many cities.

### FINDING A BOOKING AGENT

As with managers, there are local booking agencies and large national agencies, and the same situation exists with the national booking agencies as with management firms. You will find it very hard to get a big, national agency to book you when you are a new band just starting out. They are looking for more established bands who have already reached a significant earnings level. That means that you will be working with a smaller agent, at least initially. You should apply the same criteria to hiring your booking agent that you did for hiring a manager-find someone with a good reputation who has the ability to get your band the shows it deserves.

You also need to know what qualifications your booking agent has. In some states, there are no licensing or education requirements for booking agents, so be sure you are working with a reputable agent. If you are hiring a booking agent whose office is in a state that does require licensing and registration, you can verify the status of an agent you are thinking of hiring with the regulatory authorities in that state.

### REVIEW AND UNDERSTAND YOUR AGREEMENT

If the agent has you sign a contract making them the exclusive booking agent for your band, be sure you have an attorney review the contract for you. You should also keep the contract period relatively short so that you are not stuck with a bad booking agent for a long period of time. The same rules about firing your manager apply to firing your booking agent. If you have a contract, then the terms of that contract control. If the booking agent is not in breach of the agreement, the only way you can end the contract prior to its expiration is by getting the agent to agree to end the relationship. Get a written release from the agent if this happens.

Booking agents normally work on a percentage of the fee you earn for your performance. In reviewing your contract, make sure it is clear that the agent is only receiving a percentage of the income you make from performing. Your booking agent is not part of the recording or publishing process, and therefore, should not be entitled to any money from these income sources. The fees vary and can range anywhere from 10% to 25% for nonunion musicians in unregulated states.

Of course, this situation is completely different if you are a member of one of the unions. There are several unions that can come into play for musicians-the American Federation of Musicians (AFM), American Federation of Television and Radio Artists (AFTRA), the Screen Actor's Guild (SAG), and Equity. If you are a union member, the rules require you to work only with an authorized talent agent who has agreed to abide by the union's restrictions. The union will set an upper limit of 10% on the amount charged by the booking agent.

In some states, such as Texas, very few local musicians are union members. In other states, the unions have a

very strong presence. Most musicians who work in these states will end up being members. There may be no need to join a union right away; however, as your career grows and expands, that need may change. The savvy musician knows the rules in his or her own geographic location, and makes decisions and changes based on the track of his or her career.

#### **TIPS FOR WORKING WITH YOUR BOOKING AGENT**

To make the most out of your relationship with your booking agent, follow some of these tips. Be professional when it comes to showing up for your gigs. Don't cancel, especially at the last minute, unless you have a very good reason for doing so. This makes your band, your manager, and booking agent look bad. Be on time, including being on time for the load-in. As with your manager, keep your booking agent advised of any issues that could affect your availability for shows. When you have times that your band is not available for shows, tell your agent as soon as you know so that he or she won't waste time trying to book you during that period.

Pay your bill. Not paying your agent can get you a bad reputation, especially on the local scene when you are trying to get your career started. Don't agree to shows on your own, either. Always go through the agent. If you don't, you may end up ruining a good opportunity somewhere else that the agent has lined up for you or end up double booked on a date. And remember, the booking agent is just that—he or she books shows for you. They are not your management company, and you cannot expect them to give you the same career and business advice as a manager will.

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