A HORRIFIC CRIME 1,700 MILES AWAY led the Intellectual Property & Nonprofit Organizations (IP/NO) Clinic to work on a charitable project that uses music to benefit victims.

Two years ago, a man with a knife invaded a Seattle home, where he stabbed and sexually assaulted two women who had been asleep there. One survived. Her partner, Teresa Butz, a native St. Louisan from a large, musical family, did not.

After struggling with the horrendous news, two childhood friends of Butz decided to pay tribute to her by producing a compact disc and selling it to support sexual assault survivors around the country. Rachel Ebeling and Jean Fox initially consulted a St. Louis lawyer, who early last year referred them to the IP/NO Clinic. The lawyer was acquainted with Senior Lecturer in Law Peter Ruger, JD ’69, who had joined the clinic as co-director several years earlier to expand its mission to work with nonprofit organizations.

From their friend’s tragedy was born the Angel Band Project, which last fall released the CD to raise funds for the Voices and Faces Project, a national organization that supports sexual assault survivors, their family members, friends, and communities.

To accomplish that goal within a year, Ruger and clinic co-director David Deal, working with law students, guided Ebeling and Fox through a number of legal matters. “This project involved both nonprofit issues in creating a not-for-profit corporation for them and some very significant intellectual property issues in getting the rights to the music,” Ruger says. “Some original pieces of music had been written for this project, and some were remixes of known songs by more popular artists,” explains third-year law student Eric Finch, who is currently studying in Singapore as an exchange student. “We basically had to walk them through the permission process to use the music that was written by others. The project was pretty heart-wrenching since it sprang from a tragedy, but helping them produce the CD allowed us to use our legal skills to obtain a really positive outcome.”

Ebeling and Fox chose two songs by Patty Griffin, who agreed to allow them to be recorded on the CD for free—as long as no one else was paid for their music. But they were unable to reach agreement with Bob Dylan’s publisher to use one of his songs for free. So Deal and his students showed the two friends how to obtain a “mechanical license” for Dylan’s song under a federal statute that sets a small royalty per each CD sold, enabling someone to record a composer’s song without directly obtaining permission.

The other nine songs were created for the CD, and Ebeling and Fox had less difficulty obtaining those rights. “The songs were created and recorded by friends and family of the victim, and the two friends were able to reach an agreement with Dylan’s publisher to obtain the mechanical license.”
and all rights in the musical compositions and recordings were assigned to the Angel Band Project,” Deal explains.

The CD was released at a party in St. Louis last October. Still, the Angel Band Project organizers remain one of the clinic’s clients. The clinic is currently working on legal issues surrounding promotional efforts planned to increase sales of the CD. Live concerts, online videos, and a documentary film about the making of the CD are under consideration, but permissions must be sorted out first.

**THE CLINIC’S IP AND NONPROFIT** practice areas have collaborated to assist other clients as well. One client wanted to incorporate as a nonprofit in metro St. Louis to help disabled and elderly people maintain their homes.

“When they started out, they wanted to use a name called, ‘Lend a Helping Hand,’” Ruger recalls. “Under Dave’s direction, some of the students checked and found that name was being used by a charity that’s based in Los Angeles.”

“It was also being used by a commercial outfit in California,” Deal explains, “a big food wholesaler that had started a nonprofit philanthropic effort to help kids go to college. I suspect because it was supported by a large commercial outfit, they had registered the phrase as a trademark.”

The client, a successful businessman, understood the risks of violating a trademark so the name “The Brooktree Foundation” was adopted instead. The bulk of the clinic’s work involves similar transactions, though Ruger says students do represent clients in some administrative or civil hearings concerning, for instance, tax exemptions for real estate. The nonprofit side also helps draft bylaws, review contracts, and dissolve entities whose funding has dried up. Among the clinic’s clients have been several charter schools needing a variety of such services.

“What our students do, I think, accurately reflects what most lawyers in practice do,” Ruger says. “Very few lawyers deal with criminal law issues. To be sure, there’s a substantial number, but not as a percentage of lawyers practicing.”

“The other thing that I hope that we’re doing,” he continues, “is giving students skills that when they’ve finished school, they can serve as volunteer lawyers, helping worthy organizations in whatever community they choose to live in.”

At the same time, the IP side of the clinic shows startup entrepreneurs how to protect the rights to their goods and services. “I would broadly describe the work we do under the term ‘community development,’” Deal says, “whereas a number of the other clinics at the law school are based upon individuals who are lacking access to legal representation. We’re providing a service that is hopefully developing the community, and there’s an economic element to that.”
DURING THE FALL semester, third-year student Steve Chiang worked for both sides of the clinic, which he calls “an excellent starting point for law students who wish to experience the transactional side of lawyering.”

Chiang adds: “Although we provided many legal services to local nonprofits and inventors and nearly every client expressed how grateful they were for our help, it was we, the law students, who gained the most from our interactions with clients. This process generally required understanding the client’s business as a whole, a valuable and must-have skill for any attorney.”

In another recent project, students worked with the Bi-State Pet Food Pantry, a nonprofit organization that assists low-income families in St. Louis with free food for their pets. The pantry is the brainchild of St. Louisans Kylie Shafferkoetter and Sandy Lynn who are pet owners themselves and volunteers with Stray Rescue.

“We felt very fortunate to have Peter and the students on our side,” says Shafferkoetter. “After we formed the pantry, had it incorporated, and started getting the word out, people began giving us donations. Our board had helped us with the bylaws, but we weren’t sure how to proceed with getting tax exempt status. So we went online, but the IRS website was very confusing. It felt overwhelming.”

“The clinic really made the process much more pleasant and easy,” agrees Lynn. “They were able to help guide us through all the steps.”

Clinic student Taylor Stevens, an LLM degree student in the Intellectual Property & Technology Law Program, helped the pantry with filing the roughly 30-page IRS application. “Their project was one of the easiest since they already had a clear idea of what they wanted,” notes Stevens, who enrolled in the LLM program after earning her JD from Stetson University.

“Our clients are extremely dedicated individuals who are offering a service to humanity,” she adds. “They are helping ensure that low-income people with pets have access to ample and nutritious food. It was a wonderful feeling to help them realize that, while also having the opportunity to work directly with them as clients. That is what I went to school for.”