

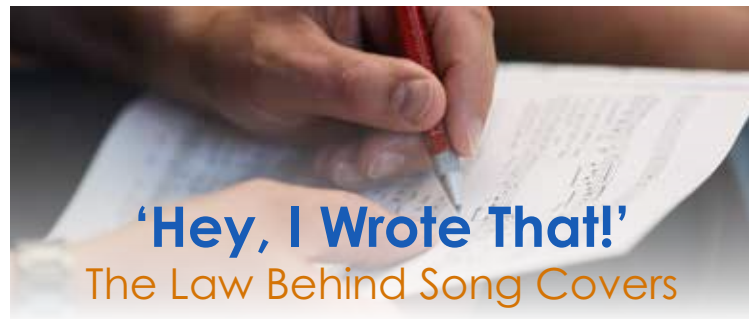


SCHUELKE LAW

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You might think there's no way to get rich off a cover song — or if you do, it's because you're a famous musician with good attorneys. But neither is the case, and you'd be surprised to hear that patent law approaches cover songs pretty much like it approaches any song — with a flat fee for the songwriter, which in this case is about 10 cents for every copy you sell.

The same is not true for live music, however — in that case, you've got to deal with the tangled world of licensing and other concerns. In fact, a live venue may ask that you not play any covers at all. In the words of Marvin Gaye, "What's going on?"

Here's what's going on: That venue hasn't paid the right fees for the right licensing, and that means they can be fined for basically trying to cheat an artist or songwriter out of their cut.

The good news, though, is that there's no fee to play cover songs when the venue has the right licensing — and no way to play them if it doesn't!

These licensing arrangements are similar to recorded music in that each artist gets the same fee-per-song payouts no matter who they are — but that fee could be higher or lower depending on the agency in question.

Some artists have made lucrative careers from their work as songwriters. You might be thinking of someone like Bob Dylan, who is covered a lot by a lot of different people. But the artist who really maximized his songwriting is Ike Turner — bluesman and R&B legend who also appended his name to so many songs over the years that some question his role in their creation. His wife (and then ex-wife), Tina Turner, performed his songs most famously, but a variety of artists have covered Ike Turner's songs. As late as the mid-'90s, Ike earned hundreds of thousands of dollars from cover credits and samples of his music.

Before the age of digital distribution, the system outlined above kept the business of covering songs — and collecting royalties from the songs performed by others — relatively simple. Now, with the proliferation of new musicians and ways to distribute their music online, that's not the case. It's not hard to see the challenge here, but a solution remains a bit vaguer, at least one that doesn't infringe on people's First and Fourth Amendment rights.

Still, artists can take steps like setting up "trending search" alerts and relax knowing that if someone makes enough money off their songwriting to be worth the trouble, they'll likely hear about it. And a cover song always drives interest in the original, too — never a bad thing for anyone!

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The Perfect Person for the Job

April Larsh: Best Legal Assistant I Could Have Asked For

When you're looking to hire someone for a position at your business, you can usually only hope to find the perfect person for the job. However, when I hired April Larsh to be my legal assistant two years ago, I knew immediately that she would be better than anyone else who might apply. After all, it would mark the beginning of her second stint as my legal assistant!

Sept. 6 is Labor Day, which means now is the perfect time to brag about April and all the great work she does at my law office. She's been with us for about two years and, in that time, has garnered many positive reviews and comments from our clients. Maybe you've been one of the clients who complimented her, in which case, you already know how awesome April is! However, you might not know the story of how she came to work as my legal assistant in the first place.

April just celebrated her two-year anniversary with Schuelke Law a few months ago, but she actually worked as my legal assistant up until just over 17 years ago, when she left to pursue another great opportunity. Then, she left the work force to have kids and raise a family.

During that time, I had another great legal assistant for about 15 years, until she informed me that she would be leaving to work at her husband's business instead. While I wished her well in her next endeavor, I was distraught at the idea of finding another reliable

legal assistant and training another employee in all our firm's systems and processes. After a little while though, I put up a job listing on a job search website with a link to our Facebook page. That's where April saw it.

At first, she just reached out as a joke. She lived two hours away from our office, but she said that if we would be willing to move the office to her town, she would come back! We joked around a little more before April told me that she would seriously consider coming back to work for me if she could do so remotely, only coming into Austin once every week or two.

Really, it was a no-brainer. I hired her immediately, and we got to work figuring out how to make her role remote (which proved to be a huge benefit once the pandemic rolled around).

Now, I could write all sorts of nice things about April and the work she does, but just so you know it's not just a lot of talk coming from her boss, here are some actual client reviews that mention just how awesome April is:

"April was super responsive while helping me navigate the appropriate documents needed to get started on my case."

"If you call his office, April answers the phone and you have a question. If she does not have the answer, she will make sure to find the answer and call you back promptly. Thank you, April!"

"Mr. Schuelke's paralegal, April, worked closely with me throughout my case and extended the same professionalism and care that I received from Brooks. She always worked effectively to find the answers to my questions and had an upbeat, positive attitude along the way. I truly cannot express how grateful I am for their help and kindness through the entire process."

Even though I'm saying all this in observance of Labor Day, I'm appreciative of April and the work she does every day. And for that matter, I'm also thankful for my wife, who, while not truly my employee, does most of our billing work. I'm lucky to have such incredible people to help me as I help my clients navigate their personal injury cases!

-C. Brooks Schuelke



Remember the ‘McDonald’s Hot Coffee’ Lawsuit? It Was Justified All Along

Back in 1992, an elderly woman named Stella Liebeck sued McDonald’s in what became known as the infamous “hot coffee lawsuit.” The public relations team at McDonald’s has made sure the case is remembered as frivolous, but, like the third-degree burns Stella Liebeck suffered from a cup of McDonald’s coffee, her lawsuit was dead serious.

The facts were simple: Mrs. Liebeck used the drive-thru with her grandson, who was at the wheel. Once the car stopped moving, she placed the cup of coffee she’d just ordered between her legs and tried to add some creamer. The cup tipped over, dumping the contents into her lap, causing third-degree burns over 16% of her body.

She required hospitalization for eight days. Whirlpool debridement of the burns and skin grafts followed. She was at least partially disabled for more than two years, and that’s to say nothing of her pain and suffering.

For all of this damage, Mrs. Liebeck asked McDonald’s for \$20,000 — arguably not even enough to pay her hospital bills.

When McDonald’s refused to pay more than \$800, the case went to court, and it came out that they’d known for at least 10 years

about the dangers their hot coffee represented, with over 700 recorded burns and several lawsuits. But in 1992, their policy was to store coffee at 180–190 degrees F, which is almost the boiling point! Furthermore, McDonald’s higher-ups testified on the stand that no matter what happened, they had no intention of changing their behavior. Unsurprisingly, at the end of the trial, McDonald’s was hit with a \$2.9 million penalty.

Although the penalty was later reduced, McDonald’s still dragged Mrs. Liebeck’s name through the mud in the press, with their version of the story being the one that stuck in the public consciousness. But it wouldn’t change the fact that they had to pay her around \$700,000 at the end of the day — or that their coffee is now being served at a reasonable temperature.



TAKE A **BREAK**



Inspired by WellPlated.com

Ingredients

- 1 1/2 lbs boneless, skinless chicken thighs
- 1 tsp salt, divided
- 1/2 tsp black pepper, divided
- 1/2 cup apple cider
- 2 tsp Dijon mustard
- 4 tsp olive oil, divided
- 3 sweet apples, cut into 1/2-inch slices
- 2 tsp fresh rosemary, chopped, plus more for garnish

Directions

1. Sprinkle chicken with 1/2 tsp salt and 1/4 tsp pepper. Set aside.
2. In a small bowl, combine apple cider and mustard. Set aside.
3. In a large skillet over medium heat, warm 2 tsp olive oil. When shimmering, add chicken thighs top-side down. Cook for 4 minutes, then flip and cook for 4 more minutes. Transfer to a plate and cover with foil. Wipe the skillet clean.
4. Heat the remaining oil in the skillet, then add sliced apples, remaining salt and pepper, and rosemary. Cook for 5 minutes.
5. Return the chicken to the skillet and add apple cider-mustard mixture. Cook for 5 minutes, then serve sprinkled with rosemary!

WANT TO TRY MINIMALISM?

7 RESOURCES TO HELP YOU GET STARTED

Before they separated, Kim Kardashian and Kanye West owned one of the most extreme minimalist homes in Hollywood. One bright white room held nothing but a massive plush “sculpture” by Isabel Rower. In Architectural Digest’s photos, it looks like a giant octopus made out of pillows, and the six Kardashian-West’s climbing around on it appear straight out of a sci-fi novel.

The Kardashian-West’s extreme minimalism is a symptom of a larger aesthetic trend that caught fire during the pandemic when people stuck in their homes realized they’d prefer to spend time in calm, clutter-free spaces with neutral colors and clean lines. If minimalism has intrigued you and you want to learn more about the decor trend and lifestyle, here are a few places to get started.

Books

- “The Minimalist Home: A Room-by-Room Guide to a Decluttered, Refocused Life” by Joshua Becker — This book will take you through the process of simplifying and decluttering your home (and life!) room by room.
- “Minimalism for Families: Practical Minimalist Living Strategies to Simplify Your Home and Life” by Zoë Kim — This light read teaches the benefits of minimalism and explains how to get the whole family on board.

Documentaries

- “Minimalism: A Documentary About the Important Things” and “The Minimalists: Less Is Now” on Netflix — “Minimalism” and its follow-up explore the minimalist journeys of two people who discovered minimalism as adults and now share its lessons with others.
- “Thrive With Less” on Vimeo — This one-hour documentary follows six students who undertake the challenges of minimalism to find satisfaction in their lives. (Vimeo.com/ThriveWithLess)

YouTube Channels

- CKSPACE — If you want to learn more about celebrity minimalism, digital minimalism, or decluttering, this channel has you covered with its beautifully filmed videos.
- A Small Wardrobe — This channel, run by a former Australian art teacher, is geared toward women and offers minimalist home, wardrobe, and lifestyle advice.
- Matt D’Avella — Matt D’Avella’s famous video “A Day in the Life of a Minimalist” has more than 17 million views on YouTube. On his “Minimalism” playlist, you’ll find minimalist home and habit videos, along with mindset and productivity tips.

Here Comes the Sun!

The Pros and Cons of Home Solar Panels

Solar power has been all over the news, and odds are good that at least one door-to-door salesperson came knocking this summer to sing their praises. Celebrities like Tom Hanks, Brad Pitt, and Pierce Brosnan have invested in solar or installed it on their homes to convert to green energy — but is following in their famous footsteps the right move for your family?

The Pros of Powering Up

The biggest selling point for solar panels is that they’re a quick, easy source of green energy. They can reduce or replace fossil fuels in your home, decrease your family’s carbon footprint, and help fight climate change. They’re also a proven technology dating back to 1954, and individual panels can last 25–30 years before they need



replacing. Switching to solar also increases the independence of the whole U.S. electricity grid, and covering your roof with panels can boost the value of your home by as much as \$15,000.

The Cons No One Talks About

The biggest downside of solar is that it simply doesn’t work for every home. If your roof is consistently shaded by trees or poorly oriented for panels, or you live in a rainy climate, your panels might only generate 10%–25% of their energy potential. If you have the space, ground-installed solar panels may work to avoid some of these issues, but they won’t solve weather problems.

Solar can also be expensive. Installing it will cost you \$15,000–\$20,000 on average. For some homeowners, this investment is offset by lower long-term electricity costs, but it might not be affordable for you or make sense if your electricity bill is already low.

CO2-Saving Alternatives

If you want to dip your toes into the world of solar but can’t afford to power your whole home, you can start small with solar lights for your yard, a solar oven, or a solar-powered water heater. You can even explore wind power! Small wind energy systems cost under \$500 on Amazon.com or at Home Depot and can lower your electricity bill by 50%–90%.