

Rising Stars: Milbank Tweed's Atara Miller

By **Bonnie Eslinger**

Law360, Los Angeles (April 6, 2016, 12:25 AM ET) -- Milbank Tweed Hadley & McCloy partner Atara Miller began her ascent at the firm as a summer associate in 2001 and now represents Broadcast Music Inc., recently obtaining a copyright win for the licensor against Pandora and earning her a spot on this year's Law360 Rising Stars list as one of the top media and entertainment attorneys under the age of 40.

In December, Pandora made a deal to resolve BMI's royalty claims, inking long-term agreements with the blanket licensor and the American Society of Composers, Authors and Publishers, and agreeing to drop its appeal of a federal court ruling in favor of BMI, which represents such chart-toppers as Taylor Swift, Adele, Maroon 5 and Kanye West. Miller's success in the case helped propel her to the 2016 Rising Stars list.

"What I'm most proud of with the Pandora victory, not just the trial victory, but the fact that it pushed the parties in that case to move to a longer term settlement at an even higher rate, which resulted in the dismissal of the appeal," Miller told Law360. "It also really pushed to help shape the rates that songwriters and composers are paid across the industry and not just in that case."

What made the Pandora case particularly challenging is that Milbank Tweed went into trial knowing that the judge had already ruled in favor of Pandora in the related case against ASCAP and rejected some of the key market deals negotiated between Pandora and certain major publishers that BMI was relying on, she said. Miller and the rest of the team were able to convince the judge to consider additional evidence and ultimately prevailed over the music streaming service.

Additionally, the issues that the Pandora litigation raised has Miller currently advocating before the U.S. Department of Justice to make modifications to an antitrust consent decree for BMI that dates back to 1942, alterations the licensor says are needed to respond to market changes produced by digital music streaming services and other technology.

Up next for Miller, 37, is representing BMI in a rate case recently filed in New York federal court by

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Atara Miller
Milbank Tweed Hadley &
McCloy

sports network giant ESPN.

“What stands at the core of most of these cases is the value of music to the programming that’s being offered,” Miller said. “It’s ensuring that music that’s being used and monetized for commercial purpose, that the songwriters and composers are being adequately and appropriately compensated for it.”

Miller’s practice focuses on federal and state court litigation. In addition to the media and entertainment work, she does bankruptcy-related litigation. She enjoys representing the firm’s entertainment clients and staying ahead of the curve as the field continues to merge with technology.

“Technology is having significant impacts on the media and entertainment sectors and the valuation of the inputs to that, including music,” Miller said. “I think it’s sort of exciting to be a part of that shift and that growth in the digital and new-media sphere.”

Being a young partner at the firm is a double-edged sword, Miller acknowledges.

“I think people and industries get very entrenched and ‘this is the way you do it,’ and I think as a young partner who assumes more and more leadership roles, you can bring that fresh perspective, which can be very constructive in moving people forward,” Miller said. “[But] because you lack a little bit of the perspective on how things have always been done, sometimes the new ideas fall flat when you pitch them.”

In recent years, Miller said she’s been fortunate enough to have found a mentor in firm chairman Scott Edelman, who led the litigation team on the Pandora case.

Edelman helps her to pitch ideas and is also willing to talk through her proposals and give advice, “which I think is invaluable for a junior partner,” Miller said.

Besides that support, Miller, who became a partner in 2012, said she’s built her career on a lesson learned early on as a litigator, that integrity is paramount.

“That’s maintaining your own integrity and also making sure that your client is always credible and on the right side of the judge’s perspective of how people should be acting,” Miller said. “That goes a long way in litigation.”

A founding member of Milbank’s Women’s Affinity Group, which focuses on strengthening the firmwide network of women attorneys, Miller also serves on Milbank’s recruiting committee.

She obtained her bachelor of civil law and bachelor of law degrees from McGill University.

--Editing by Bruce Goldman.