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Sports and Entertainment Law in the Spotlight





Broadway Street in Nashville, Tennessee.

knowing that other states had major issues with administering a remote bar exam and that some law school graduates failed to pass their bar exams due to defective software, not because they lacked minimum competency to practice law. My role was to study effectively while managing my expenses without a job. After taking the bar exam, I had to apply for the few jobs that were available so I could cover my expenses and make student loan payments. I had to take extra precautions to keep myself healthy and prevent my family members from catching the deadly virus plaguing the world.

Studying for and taking one of the first remote bar exams administered in the country during a pandemic that killed many individuals' family members and friends, that prevented almost all opportunities to relieve stress due to "stay-at-home" orders, and that isolated me from my support system was an utterly deplorable experience. I have never felt as much stress and pressure as I did while studying for the bar exam under the chaos of COVID-19 and its effects. Yet, I persevered.

I overcame the challenges and jumped all the hurdles. I passed the Tennessee bar exam, and I officially became an attorney in 2021 during a Tennessee Supreme Court swearing-in ceremony.

Partial credit for my perseverance during this time is owed to IU McKinney because my experience as a law student challenged me to evolve into a better student, attorney, and person. The knowledge I gained during my personal growth helped me succeed in the face of studying for and taking an online, remote bar exam during a pandemic.

After becoming an attorney, I realized that I had few opportunities. The best choice available to me was to open my own law firm and work for myself. So, that is exactly what I decided to do when I created Purple Fox Legal.

Was practicing this area of the law always an ambition of yours?

How did you find yourself in this area of law?

Intellectual property is my passion. I enjoy analyzing the grey areas within trademark, copyright, and right of publicity law in my academic and professional experiences.

I was introduced to intellectual property law during my first year of law school and it quickly became my favorite subject. After one guest lecture about the intersection of intellectual property and business, I was hooked. This spurred me to attend many other intellectual property lectures, expanding my understanding of how intellectual property law protects consumers and solves complex problems.

I enjoy the challenges intellectual property law brings and it has become my professional passion. I recognized that, collectively, my interests best served the entertainment industry. However, I knew from my first year of law school that if I chose to pursue this path, I would need to move to a different

Alyssa Devine, J.D. '20, MBA, '20

Title: Principal at Purple Fox Legal in Nashville, Tennessee

Alyssa Devine took her passion for intellectual property and her desire to carve out a fulfilling legal career to Nashville, Tennessee, where she set up her own law firm.

What made you want to become a lawyer?

I wanted a career that was intellectually stimulating. Law fit the bill because it touched every industry, solved complex issues, and created value for communities.

What during your time as a student at IU McKinney prepared you for what you're doing now?

My collective experiences with judges, moot court, law review, clinics, and the JD/MBA Program prepared me to be an attorney in the post-pandemic world.

Can you share a little of your career trajectory?

I entered law school in August 2016 and subsequently enrolled in the JD/MBA Program, extending my graduation date to May 2020. Then the global pandemic hit. Many opportunities disappeared and problems with administering bar exams remotely caused significant stress while studying. Unlike previous bar applicants, I didn't just have to take the bar exam. I had to take the first remote, online bar exam administered in Tennessee and one of the first remote, online bar exams in the United States. I had to study



Alyssa Devine works with documentary film makers in Nashville, Tennessee.



city because I knew I needed to be where my potential clients were. I chose Nashville, where the music industry primarily operates.

I created Purple Fox Legal to address two primary needs: (1) the need for lawyers who understand modern technology, such as artificial intelligence, and (2) the need for lawyers who can identify and navigate the tension between business and legal strategies. The best legal strategy is not always the best business strategy and part of the value Purple Fox Legal provides is guiding clients through foreseeable consequences from legal and business perspectives.

How does entertainment law play a role in your clients' documentary filmmaking?

Entertainment law is comprised of business law and intellectual property law. It has a broader application than most realize, and my role is to educate people about how the law affects their businesses.

Some of my clients are involved in media production projects, such as documentaries. These types of projects involve many different considerations. One of the primary considerations relates to publicity rights. The right of publicity refers to a stated-based intellectual property that grants any individual the right to control the commercial use of their name, image, likeness, or any feature that "unequivocally identifies" them.

Publicity rights are not a new concept like some may believe. In fact, the first federal right of publicity statute was introduced in 1888, several years before privacy rights were established. When producing a documentary, it is generally recommended that all individuals appearing in the documentary sign a release form. However, the issue is that most release forms do not use the term "publicity rights" or other language that specifically allows individuals' publicity rights to be used to advertise and promote the documentary.

Using an individual's publicity rights to advertise or promote a documentary is not always protected under the First Amendment in the same manner as

using an individual's publicity rights within a documentary by itself. These are different uses that require different analyses, and the outcome will depend on which state law applies to the situation.

Additionally, defamation is another concern relating to documentaries. Participants who appear in documentaries may assert defamation and criticize producers' creative editing (also referred to as frankenbiting) to convey events in a way that is not accurate and misleads viewers. Thus, it is critical to ensure that the production process does not mischaracterize the truth of anyone's statements.

Business law also plays an important role in media production in the form of contracts. Written agreements can establish trust by outlining the scope of services, dictating compensation, if any, providing indemnification for certain parties, and limiting procedures for adjudicating disputes arising from the documentary.

What do you enjoy most about your present role?

I enjoy advising growing businesses that are ready to invest in their long-term sustainability. There are many negative connotations associated with the legal profession and I work to change the public perception into something more positive. I focus on preventing costly legal problems from occurring in the first place and I create practical solutions that align with my clients' business practices.

I use education and statistics as my primary tools to show people why preventative measures are more effective than reactive measures. For example, more than 90% of S&P 500 companies' value is comprised of intangible assets. This means every business should give special attention to identifying and protecting its intellectual property.

What's next for you?

The future of Purple Fox Legal involves continuing to modernize the practice of law and integrate the post-pandemic realities of business practices into the solutions created for clients.