

# ENGLISH 101

By Jeff English

## The Business of FUN!

It's a common phrase used around the Kentucky Derby Festival office, and even the title of a presentation used to highlight KDF's economic impact on the local community. I love it because it perfectly describes the life we've chosen. You and me. The people who have decided to make a career out of producing events and providing memorable moments for families. How we love what we do and are wired just a little differently than other folks. We love the adrenaline rush the morning of an event. We love being "in the know" with everything going on. We embrace our roles and responsibilities, all the while realizing that what we do makes a difference. Our job is to bring a community together in celebration and when done well it's nothing short of magical. In a nutshell: Our business is to make people smile... but at the end of the day, it is a business. So how do we reconcile our creative instincts with our fiduciary responsibility to operate and protect our business?

I've worked at KDF for over five years and have attended six IFEA conferences. I was hired to serve as KDF's Sr. VP of Administration and General Counsel. As my good friend, Ted Baroody, President of Norfolk Festevents in Norfolk, Virginia, once pointed out in the Young Professionals group at the IFEA's 56th Annual Convention & Expo in Ft. Worth, Texas in 2011, having a lawyer as a permanent member of a festival's staff is a very new development in the industry. Most festivals usually rely on a board member to donate his/her time or only consult outside counsel on the most pressing issues. In many ways, my role points to the changes I've noticed in the festival and event industry in the short time I've been with KDF. There is now a universal understanding that our passion for producing events has a very real and very important business side to it. With every firework we shoot off or corn dog we serve, there are legal, contractual and risk management issues that must be addressed. How should the indemnification language in a

contract be worded? Do you even have an indemnification clause in your contracts? How can a festival protect its intellectual property? What are the important facts that must be gathered during an incident in the event of litigation? There are ways a festival can position and protect itself to ensure the "what if" scenarios can be dealt with and the "business of fun" continues.

Fortunately, over the last several years there has been an emphasis placed on providing educational opportunities at IFEA and on webinars about risk management and legal issues. The folks I've spoken with from the festivals which don't have the budget to hire a full-time lawyer have a lot of questions. Well, consider this the IFEA's version of a radio station's lawyer call-in show. Please send me any questions you might have about legal issues your festival or event may be facing. I'll do some research and in each issue of IFEA's *"i.e.: the business of international events"* magazine, I'll provide answers sprinkled with real world examples, which might help your festival and others, without having to pay

someone \$250/hour for the answers. . . (Not that we bloodsucking lawyers aren't worth every penny!)

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