

WRIT LARGE

# Super Friends

When one of Batman's creators needed justice, Stacey Friends swooped in

By TREVOR KUPFER



## Stacey C. Friends

Morse Barnes-Brown & Pendleton; Intellectual Property; Waltham

For more than a half century after Batman's 1939 debut, artist Bob Kane was credited as his sole creator. Despite his significant contributions—see page 6—Kane's working partner and ghostwriter Bill Finger went unacknowledged. Around the time Adam West adorned the cowl, Finger's name started being mentioned by comics fans. By Michael Keaton's turn, Finger had passed, but the era of Christian Bale brought Marc Tyler Nobleman's 2012 book *Bill the Boy Wonder: The Secret Co-Creator of Batman*, which led to the 2017 documentary *Batman & Bill*, both of which substantially increased awareness of Finger's work.

"A lot of the work in terms of bringing to light Bill Finger's contribution was Marc," says Stacey Friends, a trademark and copyright attorney at Morse Barnes-Brown & Pendleton in Waltham. "Without him, this really wouldn't have happened. He just was like on a quest to get this poor guy some retroactive credit."

It was Nobleman who discovered that Finger had a grandchild, Athena, living in Florida, who had legal standing to challenge the matter. And it was Athena's half-sister, attorney Alethia

Mariotta, who got in touch with Friends. Mariotta knew they'd need the help of a copyright lawyer if they were going to get DC Comics and Warner Bros. to officially recognize Finger.

"I jumped at it for many reasons," says Friends. "It's a really compelling case, and a compelling family. Athena Finger is a very sympathetic character: She's a lovely woman, a teacher, and she was really trying to carry on the memory of her grandfather, who went to his grave without the recognition or compensation that he was due. It was a very emotional case.

"And it's Batman. I mean, who doesn't want to help the person who helped create Batman and all those characters?"

At stake was more than just credit. "I don't think DC would have cared just to put his name on it. But it meant they owed him money," Friends says. "And I imagine they'd have to reach back to the beginning and compensate him properly, plus give continuing credit and compensation for the life of the copyright, which is the life of the artist plus 70 years."

Neither Finger nor his granddaughter felt they could afford an attorney for a long legal battle.

"I suggested that they go through the Volunteer Lawyers for the Arts so it could be pro bono," Friends says. "I have been a panel attorney for them since 2001, plus my firm supported it."



With Finger's claim well-established thanks to Nobleman's book, Friends focused on the law.

"Copyright law is pretty strict," she says. "It's meant to protect creators. For the person who's creating the work not to be the owner, there's some very particular things that have to happen. There needs to be a work-for-hire agreement or evidence of being an employee. Without one of those conditions, he's the co-owner, period."

So Friends reached for the most powerful gadget in her utility belt, a pen, and wrote to DC. "Their response was something along the lines of, 'We have these rights because there was an agreement at the time that Bill Finger would not be listed as a creator and we've been using these rights all along, so they're clearly ours.' That's not how copyright law works."

Friends demanded to see the agreement—the only legally valid argument DC and Warner could make.

"If you're a big company and you had a document that proved that you had those rights, you would shove it in that person's face right away, right? If you had millions of dollars on the line, you would find that piece of paper. And they didn't. So I took that as they didn't have it," she says.

"With all the facts on our side, it was just a matter of laying it out for them and then not giving up. Then it got to this point where they were sort of like, 'Make us.'" That's when Friends and Mariotta decided, "We need to force their hand. We don't want to threaten that we're going to file a complaint if we have no intention to."

The firm Friends belonged to didn't take litigation cases pro bono or on contingency, so she couldn't make that threat herself. Mariotta had to seek another do-gooder. "She had to find an aggressive litigator who would take the case on contingency," Friends says.

Shortly after, in July 2015, the Finger family secured a deal for an undisclosed amount. Finger's name has appeared alongside Kane's ever since.

Friends recently rewatched *Batman & Bill*—"a rare opportunity for my daughter to be impressed with me," she says. "Revisiting everything was fun. I do wish I could have carried it to the end, but I'm glad things settled in their favor, he got credit, and the family is now included in the compensation. It was an interesting case with great people and, in the end, a good result."