

Wine, Beer and Spirits Effervesces As a New Law Firm Practice Area

Bar activity has a different meaning for rising numbers of law firm practice groups geared toward the expanding business of brewing and distilling craft beer, wine and liquors.

The myriad legal services to be provided include entity formation, securing and transferring liquor licenses, registering trademarks, obtaining zoning variances, negotiating leases, addressing waste management and other environmental issues, even negotiating noncompete clauses to protect trade secrets like the process for brewing a craft beer or spirit.

There are entire firms devoted to alcoholic beverage practice, including Lehrman Beverage Law in Oakton, Va.

Lead partner Robert Lehrman, who has been doing the work since he got out of law school 25 years ago, calls it “an exploding area because of microbreweries and microdistillers” and “the phone is ringing off the hook.”

One measure he sees is that the five-day distilling class he helps teach at Moonshine University in Louisville four times a year is turning away students willing to pay the \$5,000 tuition, he says.

About three months ago, the firm hired a trademark lawyer to handle an increase in trademark disputes which he sees as tied to the increased number of businesses which are fighting over names.

He mentions a lawsuit filed by Duckhorn Wine Company of Napa Valley over new wines tied to the Robertson family of *Duck Dynasty* fame, which have a label with the word “duck” and the image of a duck.

One Lehrman firm lawyer, John Messinger, has been brewing beer for four years, in part to better understand his clients’ business. He makes 10 to 15 five-gallon batches a year, for personal consumption and gifts to family and friends.

He describes the firm’s clients as ranging from established national businesses to “just one person with a dream starting out in their garage.”

Daniel Christopherson, also of the Lehrman firm, was doing patent law at another firm when his love for craft beers led him to start the D.C. Brew Law Blog. Lehrman hired him away after the blog drew clients.

The practice is an “opportunity for people our age who are really passionate about it to turn their hobby or passion into something they can really do for a living,” he says.

The New Jersey Craft Beer website gives some idea of the recent growth.

It lists 22 breweries, 15 brew pubs and 13 of both that are in the startup process.

At the other end of the scale is industry giant Anheuser-Busch, which has been making beer in Newark since 1951.

The Garden State Wine Growers Association has 39 member wineries, mostly in the southern third of the state.

Distilleries are much less common.

The first new one in New Jersey since the end of Prohibition began operations last year. Jersey Artisan Distilling in Fairfield is now selling Busted Barrel Rum and has plans to introduce bourbon, whiskey, vodka and gin.

The only other one appears to be Laird & Company in Scobeyville, which claims it was the first commercial distillery in the U.S. and began selling applejack in 1780.

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