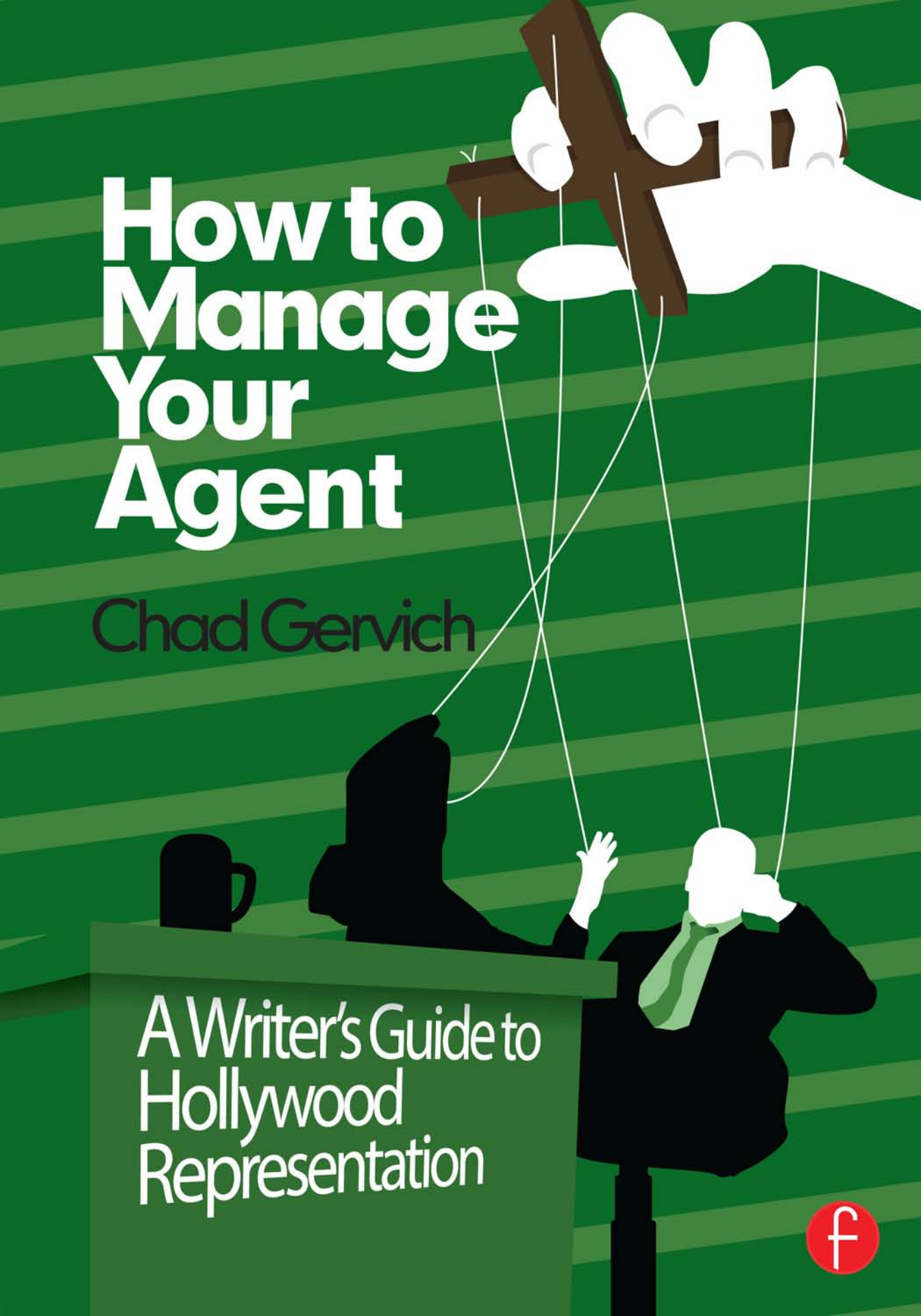


How to Manage Your Agent

Chad Gervich

The background features a series of horizontal green stripes of varying shades. In the upper right, a large white hand with brown fingers is shown from a top-down perspective, holding a brown wooden crossbar. From this crossbar, several white strings descend to a white puppet figure. The puppet is a stylized human figure in a black suit and a light green tie, positioned on a black stand. To the left of the puppet, a black silhouette of a puppeteer is shown from the side, with their hands raised as if manipulating the strings. A black mug is also visible on the left side of the stage. The overall scene is a metaphorical representation of the relationship between a writer and their agent.

A Writer's Guide to
Hollywood
Representation



**how to
manage
your
agent**

Also by Chad Gervich

Small Screen, Big Picture: A Writer's Guide to the TV Business

Psych's Guide To Crime Fighting For the Totally Unqualified

how to manage your agent: a writer's guide to hollywood representation

CHAD GERVICH



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For Max and Miles

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Introduction

Brad Wollack

Producer: Chelsea Lately, After Lately, The Wayne Brady Show

“Remember, Brad . . . agents are nothing more than brokers. They go for the easiest, quickest buck.” With those encouraging words from my father upon signing with an agency two weeks before graduating college, I was thrust into the world of Hollywood representation.

Thirteen years and three agencies later, I’ve come to learn that my dad was mostly right. I’ve had the privilege of dealing with agents in almost every capacity imaginable, both as a “buyer” (a producer and executive looking to hire a client or acquire a project) and a “seller” (as a writer, performer and producer hocking my wares and half-baked ideas).

Basically, my dad was saying that agents, like any form of “broker,” only get paid when their clients are working. To that end, they obviously want their clients to work. While you hope that they’re taking the time and care to find just the right project for you—their prized client—truth is they fling as much crap (in this case, their clients) at the wall as they can to see what sticks. That is a very broad categorization of what they do, but it’s a basic reality (my current agents excluded, of course).

Full disclosure: at the time of writing this introduction, I haven’t read Chad’s book. He hasn’t finished it . . . even though it was due eight months ago. So, I’m not even sure what I’m supposed to be addressing. However, I’ve bluffed my way through most of my career, so why stop now?

I suppose this book could be a lot of things. In fact, it could read like a classic romance novel because, to me, the evolution of the client-agent dynamic is very similar to a romantic relationship, or even a marriage. I’ll elaborate . . .

After signing with an agency (the first date), the next six months to a year are total bliss because you receive what is commonly known as “new agency love” (the courting process). Both client and agent are still trying to impress one another, and you fantasize and talk incessantly about the life you’re going to build together. You have shared dreams and projects you want to nurture together. You have found your knight in shining armor—your one true love. You plan to grow old together and take care of each other when no one else will.

Then reality starts to set in. Phone calls are no longer placed everyday to check in; you’re not dining at the hottest restaurants anymore; and your knight’s armor suddenly has more chinks than shine. You realize he’s buried in work and just doesn’t have the time for you anymore. But you tolerate it and, over time, you settle in as most couples do and accept your fate. You have some good times and some bad, but you motor through. You put in the minimum effort to sustain the relationship, but eventually you both know it’s over. Sure, you still sleep in the same bed, but the lust is gone.

One day, you’re at lunch with your friends or co-workers who start talking about their agents and how fantastic they are. You suddenly realize you’re stuck in a loveless marriage. What you have isn’t right—it’s not a healthy relationship after all. You begin having impure thoughts about other agents and what they could do for you, and, one day, you finally act on your deepest desires and secretly rendezvous with a new agency. It’s a thrill. They remind you how beautiful you truly are, and if they were lucky enough to have you as a client, they wouldn’t ever take you for granted. You agree to

run off with these new agents and a flurry of excitement and nerves you haven't felt in years wells in your stomach. You finally work up the courage to announce to your current agents that it's over. To your surprise, they're fairly understanding. They've wanted to end it, too. The split is surprisingly amicable—they still get to receive a commission from your current employment, but you get the chance to start the romance all over again with someone new.

As in love, each client-agent relationship is different, and managing one isn't without its complications. It typically comes down to the age-old battle between art and commerce. You're the talent, or "the show." They're the brokers, or "the business." In fact, "show business" should really be called "show-versus-business." While you both have the same intention—to make money off of your art—you'll often have differing views on how exactly to achieve that. Like any fruitful bond, it takes a lot of communication, understanding and belief in one another.

I trust this book will help you understand the agency culture and how to navigate it so you know what to anticipate. In case Chad doesn't address every single nuance of the agency world, let me offer you a few of my own tips on negotiating this vortex:

Know Your Team—The first agency that represented me was one of the majors. While I was initially signed by the reality TV/non-scripted department, I assumed that other departments (TV lit, TV talent, etc.) would also gladly represent me. Wrong. It took me two agencies to realize that the team that signs me has to be comprised of agents from multiple departments, who cover various mediums and platforms. For example, if you're a TV writer, make sure someone from the motion picture lit department is on your team. The time will come when you want to write a feature film script, only to find out your folks in the TV lit department don't mix well with those guys, and they can't really help you.

Size Matters—Big agencies will tell you little agencies don't have the scope, resources, clients or services they do. Smaller agencies will tell you that at the major agencies you're just a small fish in a big pond, and only they can offer you the personalized attention you deserve. I've been at major and mid-size agencies, and there are truths to both of these conceits. I actually don't have any guidance for you on which option is better—it's a very personal decision—but I wanted to mention it since it's an issue that comes around time and again. There will be advantages and disadvantages wherever you go. Just control what you can, which is your own work. Everything else will sort itself out.

You Know Best—Agents know a lot and can be great resources, but they don't know everything. That's actually a good rule for anything in life: no one knows everything. Remember, you're the creative mind—the talent. Your job is to generate the new ideas. And the more radical they are, the more resistance you'll be met with. Again, agents often want to go for the easiest sell. The more insane your idea is, the more effort they have to put into helping you sell it. I can't tell you how many times agents have told me ideas of mine weren't "right for the marketplace" or "will never work," only to see someone else sell the same or similar project 6–12 months after I initially proposed my concept. If you believe in something, keep pushing.

Play Nice—Just because your professional relationship with an agent or agency may have run its course, doesn't mean you have to sever all ties. This really is a small industry and you will absolutely see those agents again. I have effectively transacted with many of my former agents throughout the years because I made certain to maintain an amicable relationship. There is not one former representative of mine whom I wouldn't feel comfortable calling upon. Plus, a lot of agents end up agency hopping or leaving the agency game altogether and transition into other facets of the industry—often landing in powerful positions. That's when you will definitely pat yourself on the back for playing nice.

Manage Your Representation—Agents want to get you as much money as possible. However, sometimes the demands they make on your behalf are unrealistic and anger the buyer of your project or services. While many agents already have

established reputations, they still are an extension of—and reflection on—you. So the greedier and more aggressive they get, the greedier and more aggressive you appear. On numerous occasions I have witnessed a representative cost their client a job. Life is short—and definitely too short to deal with your prick of an agent. It's up to you to be mindful of your agent's approach and always know—and concur with—what they're asking for.

The irony in all of this, of course, is that Chad asked me, in person, to write the introduction to this book. He circumvented and undermined the entire process established whereby he submits a formal offer to my agents, they contact me to gauge my interest, we weigh the pros and cons and reach a decision. They negotiate a fee on my behalf, both parties agree and the deal is closed. Instead, Chad cut out the middle-man, got my services for free and will exploit me for everything it's worth. I'll never see a dime. So let this example serve as the final lessons for you: 1) Everyone will try to avoid dealing with agents . . . even people writing books about dealing with agents; and 2) if you don't utilize an agent, you will most likely get screwed by the sharks in this business.

Enjoy!

Author's Note

I learned a lot of valuable things writing my first book, *Small Screen, Big Picture*, but nothing more valuable than this:

If there's something you want to understand or know more about, the best way to learn it is to write a book about it.

In fact, much of the reason I wanted to write this book was because I have a great relationship with my own agent, but I'm still frequently at a loss for how to communicate with her. Because we're friends—and because I hate confrontation and conflict with people close to me—it's sometimes hard to express disappointment or anger. (Not that I have a lot of disappointment or anger with her. I don't.) Also, I hate letting friends see my failures or insecurities, so it's hard to share worries and concerns like “I need to sell something *soon*,” or “I think I am failing at this job, and I don't know why,” because I don't want my agent, as my friend, to see me as a failure.

I'm not alone in these confusions. I'm constantly hearing writers say things like: “I wrote this great screenplay, but my agent says it's ‘not commercial enough.’” Or, “I gave my agent my pilot, and he came back with a bunch of *notes*. I'm like, ‘Dude, *just go sell it!*’” Or, “I called my manager three times today to pitch a movie idea and he still hasn't called me back. WTF?!”

Most writers understand these frustrations. It's not easy to keep your sanity in an industry where there seems to be so little rhyme or reason to what sells, you're constantly scrabbling for work, and your livelihood seems dependent on others doing their jobs. So when things aren't going the way you'd like, it's easy to blame the people who are supposed to be making sure things *do* go the way you'd like—your representation.

Sometimes this blame is totally warranted. More often, however, blaming your representation is like yelling at a spouse or partner after a bad day at the office—*it's rarely their fault*. They're an easy and available scapegoat, but it doesn't mean the blame is theirs. Or at least, not entirely theirs.

The truth is—most agent-client relationships are just that: *relationships*. And like any marriage, romance, or family, those relationships require mutual communication, trust, honesty, affection, and support. Likewise, they are fraught with expectations, desires, fears, insecurities, agendas, secrets, power dynamics. And to get the most out of a relationship—whether with a partner, family member, or agent—you have to understand how that person sees the world, what they want and expect from you, and their own personal needs, desires, and goals—all of which may be slightly different from yours.

Unfortunately, marriages, romances, and families often have something agent-client relationships don't: *help*. Go to the nearest library, you'll find hundreds of self-help books guiding you through the intricacies of dating, marriage, children, divorce. Jump on Google, you'll find plenty of marriage and family therapists, counselors, and clergy. Yet there's not a single self-help book or therapist for writers wondering, “If I tell my agent I'm frustrated, will I scare him away?” “What should I say to reignite my agent's passion for me?” “How can I leave my representation without burning a bridge?”

So why not a relationship book for writers and agents? After all, many agent/client relationships are just as intense and co-dependent as any family or romance. Why not

a book that helps writers understand their agents and managers, as well as improve their communication and overall relationship? Think *Men Are From Mars, Women Are From Venus* . . . for Hollywood.

In thinking about my own misunderstandings about representation, I knew this book needed to tackle two things:

1. Helping writers understand what agents and managers do . . . and how they do it. Many writers' frustrations stem from a lack of understanding about what exactly representatives do—or are capable of doing—and how they go about doing it, so I wanted the book to explain how agencies and management companies work internally and how this affects writers, clients, and their work. If you understand the specifics of how your agents and managers can or can't help you, it's much easier to use them effectively.
2. Addressing common agent/client frustrations and misunderstandings. Both clients and representatives have certain complaints about one another that seem to pop up over and over, and I felt the book should confront these head-on, not only exploring *why* these issues occur, but offering tools and insights for dealing with them.

I've tried to provide in-depth explanations and answers, as well as perspectives and opinions from various agents, managers, writers, directors, lawyers, producers, executives, assistants. (I have occasionally changed names, or made quotes anonymous, at the request of people discussing sensitive topics or stories.)

Having said this, let's get one thing straight: *reading this book will not solve all your problems*. The heavy-lifting must be done by you. This book will not talk to your representation for you. It will not mediate disagreements. It will not tell you who's right or wrong. You must figure those things out on your own. Every relationship—every individual *within* a relationship—is different. What works for you may not work for me . . . or your agent . . . or another writer.

What this book *will* do is help you see things through your agent or manager's eyes. It will help you understand how they approach opportunities, challenges, and conflicts. It will give you language to employ when communicating thoughts, fears, or frustrations. It will offer tactics, strategies, and advice on how to maximize and synergize your team.

You may need to read this book more than once. You may need to scribble in the margins and mark it up with highlighter. You may need to keep it on your shelf, untouched for months, then pull it down in a moment of crisis. Like a patient therapist, it's here to use whenever—and however—you need it.

Personally, writing this book has given me an enormous amount of understanding and respect for Hollywood's representatives. Good agents and managers work non-stop, remaining on call for their clients 24/7. They give creative notes. Business advice. Personal guidance. And when someone breaks into the exosphere, that ultimate level of stardom, their representation gets a mere ten percent of the fortune—and none of the fame. Most people have heard of *Girls'* breakout star Allison Williams . . . but have they heard of Jason Cunningham, her agent at Paradigm?¹ Louis C.K. and Aziz Ansari keep us in stitches . . . but do we ever give a round of applause to Mike Berkowitz at APA?² And while Bruce Willis is a household name . . . what about CAA's Michael Kives?³

Also, I like to think that writing this book has made me a better client for my own agent. (She may totally disagree, in which case I'd say this book does a great job of sharpening your levels of self-deception.) I understand better what she needs from me. When she needs it. Why I sometimes drop the ball and how it affects her, and my own career, when I do. I've become less apprehensive about communicating disappointments and frustrations. I've become more proactive about articulating my needs and plans.

So I hope this book helps you in the same way it's helped me. If it does, I'll consider it a success. Just don't ask me for marriage advice. I still have no idea how the hell that works.

An Important P.S.

In filling this book with true examples, I've tried to make it as up-to-date as possible. However, clients fire reps, TV shows get canceled, agents, managers, and executives switch companies every day. So please forgive anything that may be outdated—it was right when I wrote it.

Another Important P.S.

A massive amount of research went into this project, and I would like to give a heartfelt thanks to several places who have no idea just how indispensable they were: Nikki Finke and the team at *Deadline Hollywood*; Andrew Wallenstein, Cynthia Littleton, Claudia Eller, and the folks at *Variety*; *The Hollywood Reporter*; *The Los Angeles Times*; *the New York Times*; *The Wrap*; *TV Week*; *Vulture*; and many others, which I've tried to cite throughout. I don't know how people wrote books (at least not about Hollywood) before them.

Part I

Represent!

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1

No Vocation Without Representation

As President of NBC Entertainment for nearly a decade, Warren Littlefield had navigated many sticky situations. He'd managed the notorious Jay-versus-Dave battle for *The Tonight Show*. He'd shocked the industry by paying \$13 million an episode to keep *E.R.* on the air.¹ And he'd made cultural history by standing by an odd little show that had received a "weak" score on its pilot report and got pulverized in its first season . . . only to metamorphose into one of the most groundbreaking series of all time: *Seinfeld*.

Yet now, as he stared out the third-story window of his office at the Littlefield Company, his TV production company in partnership with Disney's ABC Studios, Littlefield faced a dilemma unlike anything he'd ever encountered. *He had nothing going on*. In the ten years since departing NBC and launching his company, Littlefield had had some successes—he'd shot several pilots and got five shows on the air (*Keen Eddie*, *Love Inc.*, *Do Over*, *Foody Call*, *Like Family*), but not one that had lasted longer than a season.

"My head was bloody from banging it against the wall," says Littlefield. Not only had any big hits eluded him, but he felt he wasn't even being presented with the writers, directors, and underlying properties needed to develop a big hit. He watched in frustration as writers like *Law & Order: SVU*'s Tara Butters and Michele Fazekas teamed up with other production companies like The Mark Gordon Company to create *Eli Stone*. And *CSI: NY*'s Peter Lenkov partnered with K/O Paper Products (*Cowboys and Aliens*) to reboot *Hawaii Five-0*.

"I needed more choices in order to go into production," Littlefield says. "It was this feeling that 'I don't exist outside the rules of the land.' It was about survival." Littlefield knew what the problem was: he didn't have an agent, a representative to scout the marketplace, bringing him appropriate projects and writers to develop and produce. Throughout Hollywood, most professional artists—writers, producers, directors, actors, designers, composers, hosts—used an agent or manager, some kind of professional representative, to help find work and negotiate deals. But Littlefield, by his own design, didn't have one.

"A number of [agents] had pursued me since I left NBC," he says, but "I thought being Switzerland would make more sense. That way we could do business with everybody."

Unfortunately Littlefield was wrong. Sure—being unrepresented did, in theory, allow him to do business with artists from all agencies, but it had also forced him to accept a grim truth: *no one paid him allegiance*. So while the Littlefield Company could, hypothetically, do a show with a writer from powerhouse agency William Morris Endeavor (WME)—which represents writers such as *Homeland* showrunner Howard Gordon and *South Park* creators Matt Stone and Trey Parker—WME was more incentivized to partner clients with its own production companies, like J.J. Abrams' Bad Robot (*Lost*, *Alias*) or Queen Latifah's Flavor Unit Entertainment (*Single Ladies*, *Just Wright*). (Bad Robot has since switched from WME to rival agency Creative Artists Agency, or CAA.) And sure, the Littlefield Company could do a show with a writer repped at United Talent Agency (UTA)—like Rene Balcer of *Law & Order* or *Ted*

co-writers Alec Sulkin and Wellesley Wild—but UTA’s clients were busy being introduced to UTA’s own producers, such as Ice Cube’s *Cube Vision (All About the Benjamins, Are We There Yet)* or Gavin Palone’s *Pariah (Premium Rush, My Boys)*.

“If you’re trying to go through a process that has so many obstacles and barriers . . . [you have to] follow the flow of the water,” says Littlefield. “It’s having a source that’s supplying you with talent and content. In the world of television today, most of the development is a format from another country, or based on a book, or there’s something presold about it . . . so [having an agent that can supply that] gives you a leg up in a very, very, very competitive environment.”

Littlefield knew what he had to do. He picked up the phone to dial an old friend. A decade ago, Brian Pike had been one of Littlefield’s drama executives at NBC. Today, he was a TV agent at CAA, one of the most powerful agencies in Hollywood (representing actors such as Anna Kendrick and Chris Hemsworth, writers like Jonathan Kellerman and Stephen Gaghan, and reality personalities like Gordon Ramsay and Hoda Kotb).

“I’ve been waiting for you to be ready for this,” said Pike, listening to Littlefield’s proposal.

“So with the respect of the muscle of CAA and the personal relationship with Brian,” says Littlefield, “that’s where I jumped in.” With CAA at his back, Littlefield felt the change immediately.

“All of a sudden it was, ‘We want you to meet with this writer,’ ‘We want you to meet with that writer,’” says Littlefield. “Now, make no mistake—you don’t just sit back and let your agency shove stuff in front of you. But it’s a very important artery going into your heart. [It] gives you content, gives you artists, and when you have that direct line of access, it only helps.”

A year later, the Littlefield Company had a new series on the air—ABC’s *My Generation*, written by CAA client Noah Hawley. CAA also brokered Littlefield’s first book deal (for 2012’s *Top of the Rock: Inside the Rise and Fall of Must See TV*). They secured him the TV rights to Brandy Engler and David Rensin’s memoir *The Men On My Couch: True Stories Of Sex, Love and Psychotherapy*—also represented by CAA—which Littlefield and *Happy Endings* producer Gail Lerner sold to ABC. They facilitated his partnership with *Veronica Mars* creator Rob Thomas to adapt the British miniseries *Metropolis* for the CW,² and with *Watchmen* writer David Hayter to adapt *The Damned*, a supernatural comic book series, for Showtime.³ And they helped Littlefield team with Academy Award-winning writer/directors Joel and Ethan Coen for FX’s TV sequel to the Coen brothers’ *Fargo*.

Obviously, any Hollywood wannabe would kill for these kinds of hook-ups. Yet few people get them. Getting an agent is considered one of the major stepping-stones in building a Hollywood career, but there’s no real blueprint for making it happen. It’s tough to get work with no agent . . . yet most agents only want clients who have worked. What’s a talented young writer, director, actor, or producer to do?

To make matters worse, agents remain some of the most mysterious, elusive, and misunderstood players in Hollywood. Most avoid the spotlight and shun interviews. Thus, there are few places to get honest, helpful insight into how agents work . . . and where to get one. And when fictional agents appear in movies or TV shows like *Jerry Maguire* or *Entourage*, they’re usually depicted as slick, shady sharks in Tom Ford suits, screaming into cell phones as they cruise through Beverly Hills in Ferraris and BMWs.

“[Agents] get a bad rap,” says Christine Crow, director of development at Millennium Films (*Olympus Has Fallen, The Expendables*). “It’s the nature of being a representative that you’re constantly trying to hustle for your clients . . . [but] not all agents are slimy, sharky personality types.”

The truth is: most agents are dedicated, caring, passionate people who work hard to get clients fruitful deals and opportunities. Having said that, many agents *do* work in strange and secretive ways . . . and they often have their own hidden motivations

and agendas. So you want to get the most from your agent? . . . Understand what they want, how they get it, and how you can fit your career goals into their needs and objectives.

To do this, let's look at why most of us need—or think we need—representation in the first place.

WHY DO PEOPLE NEED REPRESENTATION?

While we don't always think about it, we actually use representation in many parts of our lives. Sometimes we need to find work, so we hire an employment agency. Other times, we need to buy or sell something—a house, insurance policies, a car—so we hire a representative who understands that particular market. When we need someone to represent our legal interests we hire a lawyer.

These same situations—and many others—crop up in the entertainment industry. Some matters are the province of agents, some fall to other types of representation, like publicists or managers, but understanding when and why we need representation is often helpful in identifying which type of representation we need—and how to use them. In Hollywood, there are nine basic uses for representation:

One: To Find Employment

Artists working in the entertainment industry are—ninety-nine percent of the time—freelancers. Whether you're a writer, director, actor, costume designer, script supervisor, accountant, or grip, you bounce from job to job, company to company. Even if you manage to land a fairly steady gig on a long-running TV show like *The Big Bang Theory* or *Bones*, or as a producer with a two-year studio deal at Universal, you are a freelancer. Once that job ends, you'll be hurled back into the unemployment lines to fend for yourself and find a new gig. This is true for first-timers like Ashleigh Powell, who sold her first screenplay, *Somacell*, to Warner Brothers in 2012, to veteran producers like Tyler Perry, who produces the Madea movies and TBS's *House of Payne*.

"The first job always seems like the hardest to get," says TV writer Rick Muirragui (*Suits*, *Men of a Certain Age*), but "once you've done it before, you have a little more confidence in going to get another job. So in that regard, yes—it gets easier. But at the same time, it's scary . . . [and] the fear never goes away, because you're a freelancer; you could be on a show that lasts six episodes or six years."

Thus, many people hire representation to help them find employment, just like professionals in other industries might use employment agencies such as AppleOne or Lucas Group. In fact, many states categorize talent agents right alongside regular employment agencies, holding them to the exact same laws and classifications. (More on this in the next chapter.)

"[I am] essentially a headhunter," says one Hollywood agent. "I am responsible for getting my clients—producers, production companies, or freelancers—jobs!" Agents and other representatives do this by gathering information and forming relationships with buyers and executives throughout the industry, making them privy to job opportunities and information other industry professionals may not know about. After all, the industry is vast and complex—it would be impossible for a working writer, director, or composer to work full-time *and* stay on top of upcoming openings. There are generally two ways artists get work in Hollywood:

1. "Work-for-hire" jobs, where you're contracted to work on someone else's project—rewriting a script, animating a movie, playing a character, directing a TV episode.
2. Selling your own original material: a screenplay, pitch, miniseries, etc.

“We’re used car salesmen,” says manager Jeff Holland, a founding partner of The Cartel, “but our ‘vehicles’ are our clients’ material, our scripts, our directors and their reels. You’re selling, just a different type of widget.”

Aside from helping clients land specific jobs, representatives also help clients architect their long-term careers. You may need a job to feed your family tomorrow—but if your ultimate goal is to be the next James Cameron, you need to do some planning. What kinds of jobs should you focus on? Which companies should you be in business with? How can you find projects that will build your resume and credibility as an artist? Young writers, producers, and directors won’t always have these answers themselves . . . but professional representatives will.

Two: To Negotiate Contracts, Deals, and Other Agreements

Talk the Talk

Showrunner—A highly experienced TV writer who not only serves as a show’s head writer, but also oversees every aspect of the show’s production: costume design, set design, casting, budgeting and scheduling, hiring and firing, etc. Most showrunners receive an **executive producer** credit and most, but not all, have created the shows they’re running.

As a working freelancer, you sign a new contract for every new job or sale. In fact, you’ll often have multiple jobs at the same time—each with its own contract! A TV showrunner, for example, may be producing his current series, developing a new show for a studio, and supervising a young story editor developing her own pilot. He’ll likely have different deals for each project.

Thus, at any given time, you could be juggling several potential contracts or deals, each requiring its own negotiation. And you don’t want to be doing those negotiations yourself.

“When I was in law school, they said, ‘If you are handling a case *pro se*, meaning ‘representing yourself,’ you have a fool for a lawyer and a fool for a client,’” says expert negotiation consultant Donny Ebenstein. “Representing yourself is hard because you’re not objective; you’re not neutral. And not just ‘not objective’ in the sense that you won’t see things in a fair and unbiased way, but you’re hooked, emotionally—especially when what you’re negotiating is your own services, your worth as a writer. ‘How important are you to the success of this project?’ It’s hard not to get hooked by that. Being ‘unhooked’ is a big part of being effective and successful.”

This is one reason we hire other people to be our negotiators. Whether negotiating the sale of a screenplay or the purchase of a condo, they can be calm and rational when we can’t. Good negotiators also have specialized skill sets most laypeople lack. For example, when a marriage breaks up, the couple turns to divorce lawyers to help navigate the painful, complicated process of dividing assets. When companies merge, they enlist lawyers who understand the intricacies of corporate law. Likewise, entertainment professionals hire people who understand the unique labyrinth of Hollywood. When should a writer ask for a “strike clause?” What’s a good definition of “adjusted modified gross?” Why might an “if-come” be more desirable than a “script commitment?”

“There are *so many* contract deal points,” says Heather Lazare, a senior editor at Touchstone Publishing. “I look at [contracts] all the time . . . but I still work closely to make sure all the deal points are correct—and there’s a lot of language there that agents understand. So an agent can be an important part of the process, especially for a [first-timer] that doesn’t know how to do the negotiation.”

Lastly, negotiations can be scary, stressful, and confusing; not everyone has the mental or emotional composition to be a good negotiator. Case in point: *me*. I get nervous, jittery, unsure of myself. What if I push too hard and make someone mad? Or don’t push hard enough and wind up getting screwed? How do I know when to back off and when to stand my ground?

“Not only are agents not scared of negotiations, but they truly enjoy it,” says screenwriter Diablo Cody (*Juno, Young Adult*). “They tend to have more aggressive personalities; they’re not conflict avoidant. A lot of artists are introverts and conflict avoidant, and that’s why we would not be good at making deals. Agents, by nature, tend to be bolder, more extroverted people that are not [worried about being] pleasers.”

Three: To Gain Information and Access

We frequently hire representatives because they have information we wouldn't be able to obtain elsewhere. Travel agents, for instance, know about special deals consumers couldn't find on their own. Even today, when online travel sites like Orbitz, Bing, and Kayak have squeezed many traditional agencies out of business, travel agents book seventy-seven percent of all cruises, seventy-three percent of all packaged travel, and fifty-five percent of all airline tickets.⁴ Why? Because they have access to information it would take regular people much longer to cull. The same goes for real estate agents.

"Buying a house is something that takes specialized knowledge and skills," says Ashley Sackerman, a real estate agent with L.A.'s Teles Properties. "Finding the house is the easy part. Everything after that can be much more complicated and challenging. We know what red flags to look for in a home, which systems may require additional inspections, and what to do with all that knowledge once we get it. It takes an experienced professional to understand the liabilities and implications of the issues and advise the client what to do. Buyers rely on our expertise, our relationships within the brokerage community, and our negotiating skills to navigate the escrow period and get those keys in their hands."

Representatives in the entertainment business are no different. They have the inside track on what studios or networks are buying, what's getting greenlighted or cancelled, who's getting cast, fired, or promoted, etc.

"My job is fundamentally two things: sales and research," says Ra Kumar, an alternative TV agent at N.S. Bienstock, the talent agency that reps producers and personalities like Anderson Cooper and Bill O'Reilly. "[My job is to] figure out what people are looking for, what they want, and then sell them what I find that fits. We spend a lot of time with the buyers, both in pitch meetings and outside, doing research, talking to them about what they're looking for, having conversations about clients."

Sometimes this info includes hard-and-fast job openings such as specific casting needs. A talent agent, for instance, may learn that A&E's *Bates Motel* is looking for a "male, African-American, mid-40s to 50s" for a guest starring role. Other times, agents hear of vague opportunities or general areas. Maybe Warner Brothers wants R-rated female-driven adventure comedies. Or NBC wants a reality show set in a rugged outdoor locale. Aside from just knowing *what* opportunities exist, agents are also much more aware of going rates and how much you should be compensated.

"My agent represents other writers, knows other agents, is familiar with the marketplace in a way that I'm not," says Cody. "I'm only aware of my own **quote** and what I'm asking for. [I] don't know what other writers are getting [or] asking for. But my agent can say, 'Look, you want to direct this movie. The studio isn't willing to pay for you to join the **DGA**. However, I know this other first-time director they just paid to join the DGA, so I can use that as a bargaining chip.' And lo and behold—I get to join the DGA! So [agents] just have a wealth of knowledge that extends beyond your individual career."

People also hire representatives because they provide access to companies, buyers, and decision-makers clients wouldn't otherwise be able to get to.

"I am in contact with agents, whether on the phone, in a meeting, or at some sort of social situation, on a weekly basis," says producer Doug McKay, former VP of Production at Phoenix Pictures (*Black Swan*, *Shutter Island*). "It's in my best interests as a producer to have a good relationship with as many agents as possible because these guys are the hub of all the activity in the business. If we have a script we're developing internally and need a new writer, we go to an agency. Or once it's time to get a director, we go to an agency. We go to agencies to help put financing together. Through every stage of the process, we find ourselves contacting the agencies to get that next piece of the puzzle."

Talk the Talk

Quote—A writer's pricetag for rendering certain services. A writer on a TV staff has a "quote" based on what they made at their last staff job. A writer selling a TV pitch, script, or screenplay has a "quote" based on their last sale. Screenwriters even have specific quotes for rewrites, polishes, or adaptations. We'll discuss TV writers' quotes in Part II and screenwriter quotes in Part III.

Talk the Talk

DGA—Directors Guild of America, the labor union representing directors working in film and television.

This means representatives often act as professional yentas, introducing writers, directors, actors, and creatives to employers with appropriate projects or interests. The best representatives have hundreds of relationships, built up over years of working in the industry. In fact, many are former producers or executives themselves, and vice versa. Jay Cohen spent fifteen years producing movies such as *Bride Wars*, *Two for the Money*, and *A Walk on the Moon* before getting hired as a film agent at The Gersh Agency, the company that reps Heather Graham and Chris Noth. Producer Jeff Kwatinetz was CEO of The Firm—a talent management company that represented Cameron Diaz, Kelly Clarkson, and Leonardo DiCaprio—before founding Prospect Park, the production company behind FX's *Wilfred*, USA's *Royal Pains*, and the online versions of *One Life To Live* and *All My Children*. So good representatives understand many aspects of the business; their relationships run deep and broad, and they use those relationships to gather information and help clients advance their careers.

Four: To be a Creative Guide or Sounding Board

Many writers, artists, actors, and directors use their representation as a creative partner—someone who not only guides their overall career, but also offers creative feedback on projects.

Some managers, in fact, are so hands-on with clients' projects they receive a producer credit on the final product. Fabrik Entertainment manager Mikkel Bondesen represents writer/producer Matt Nix and also serves as an executive producer on Nix's hit USA series, *Burn Notice*.⁵ 3 Arts Entertainment manager Dave Becky represents Louis C.K., and works as an executive producer on C.K.'s FX sitcom, *Louie* (one of humanity's top three artistic achievements of all time).

While writers often get notes and feedback from producers or executives on a certain project, execs and producers have their own tastes and agendas, and they're not always the same as the writers'. Thus, many writers like having their own go-to partner, someone they trust and whom shares their creative sensibilities. Good reps are also tuned into the marketplace, and they can help clients protect their visions while still creating something sellable.

"I just turned in some pages to my manager," says screenwriter Tedi Sarafian (*Terminator 3: Rise of the Machines*), "and he said, 'These are awesome, but change this because there's [already] a script out there like this,' or 'They're not looking to buy that kind of thing.' [Managers] have good thoughts about everything that's going on, that's current. I'm not out there—I don't know all that stuff, so its nice to have a guy who has his nose out there and can steer you in the right direction."

Five: To Offer Legal and Contractual Advice or Protection

As we've discussed, representatives can be indispensable when navigating a confusing negotiation. But representatives like lawyers and agents also provide certain legal protections and advice, and in Hollywood—where every project is an intense collaboration between writers, actors, directors, networks, studios, financiers, and hundreds of other participants—lawsuits abound.

Between December, 2011, and January, 2012, for example, writer-director James Cameron was sued by *four different writers* claiming he stole their work to create his blockbuster film *Avatar*.⁶ And in October, 2012, author Angela Wilder sued CBS TV Studios and Relativity, producers of *The Talk*, claiming they stole the concept from her own idea for a show called *The Mothers' Hood*.⁷ (Interestingly enough, Wilder admitted she never pitched her idea to CBS or Relativity; she only pitched it to Sony, which has nothing to do with *The Talk*.)

"If you're a writer, you're dealing with property," says entertainment attorney Charles Holland. "That's an important legal concept, and you want somebody looking at that. Once you get to the point that you are creating something, you ought to have somebody protecting that."

Now, I'm not suggesting that by starting a career in Hollywood, you'll suddenly find yourself in a maelstrom of lawsuits. Stories, scripts, and ideas *rarely* get stolen. (At the time I'm writing this, two of the Cameron lawsuits have been totally dismissed.) In fact, I often think being overly worried about your work being stolen is the first sign of a newbie who's not yet ready to work professionally in Hollywood, where success depends on open collaboration and the free trade of ideas.

"In TV, it's very hard to have an idea someone else hasn't already had," says writer/producer Lesley Wake Webster (*We Are Men, American Dad*). "If you're writing a family sitcom with feuding siblings, someone can point out eighty different shows just like that. But the specifics of your idea [are what should] be very special and unique to you, and that's what would make it hard to steal. It's [all about] execution, and if you have characters that are specific to your experience, specific to what you've thought up, it's hard for people to steal that. They can try, but inevitably their voice is going to take over," distinguishing their work from yours.

Having said this, Hollywood contracts and deals are complicated, and it helps to have a legal representative on board as you grow your career.

Six: To Be a Therapist

As a writer, I think I speak not only for myself when I say—we're a *bunch of fucking messes*. And by "we," I don't just mean writers; I mean actors, designers, painters, artists—creative folks of all stripes. We're neurotic, insecure, compulsive, volatile, paranoid, obsessive—you name it. I mean, come on —J.D. Salinger spent the last fifty years of his life in total isolation. Vincent Van Gogh cut off his ear (although some say it was sliced off by Van Gogh's frenemy, Paul Gauguin—which does little to quell the notion that artists are all insane). Virginia Woolf survived a lifetime of nervous breakdowns before filling her coat with rocks and drowning herself in the Ouse River.

"[Artists] aren't like everyone else," says Goddard, and "it's important for people to get that. We tend to be more introverted and emotional, and that can require a bit more delicate handling. Certainly my most successful relationships (personal or professional) are with people that understand the artists's mentality."

It's true. Artists sometimes need some hand-holding . . . and we often turn to our representation to provide that. This is partly because our representatives are inextricably entwined with our lives and careers. We depend on our agents, publicists, lawyers, and managers to help us get jobs and feed our families. More importantly, however, artists' emotional lives are what fuel our work. Whether you're a singer, dancer, set designer, poet, or stand-up comic, you draw from your own experiences to make your work genuine, soulful, and alive.

Thus, representatives may be our business partners, but they're also an integral part of our personal lives. They celebrate with us when we land a great job; they pick us up when we fall. And as our *creative* partners, representatives see early drafts of work we'd never show anyone else, lead us through agonizingly personal secrets and stories, and help us dredge up our deepest, darkest thoughts or feelings and splatter them all over screens or pages.

Seven: To Promote Our Work and Material

Artists, by their nature, are rarely great salespeople or promoters. Maybe we've been taught not to brag. Maybe we're not comfortable in the spotlight. Maybe we believe our work should attract an audience by itself, and if we have to hype something, it means it's not strong enough to stand on its own merits. Whatever the reason, most writers and artists suck at sales and promotions —which is why we write instead of doing sales and promotions.

Unfortunately, Hollywood is the land where art and commerce meet. On one hand, the industry thrives on visionaries producing wonderful artworks like *Life of Pi* and *The*

Wire. On the other, giant corporations sell these artworks to audiences for billions of dollars.

“You can talk about your accomplishments, but people are more likely to believe someone else talking about you, rather than you talking about yourself,” says Alan Moore, a TV agent at APA (Agency for the Performing Arts). “It brings more weight to it if [a third party] says, ‘You need to know this person because they did this, this, and this.’”

So writers, actors, and directors occasionally hire representatives to help sell and promote their work to the public. Some reps actually peddle scripts, films, or concepts to producers or studios. Others simply help clients *promote* their work. They get filmmakers’ movies featured in magazine articles. They find public appearance opportunities for comics kicking off a new tour. They set up press junkets for rappers promoting a new album.

Eight: Manage Practical and Financial Matters

Four days before his death, Edgar Allen Poe was found wandering the streets of Baltimore, penniless and delirious. Oscar Wilde died broke and in exile. And while I certainly wouldn’t mind being known as “the twenty-first century Oscar Wilde or Edgar Allen Poe,” I hope it’s not because I’ve died broke, delirious, and exiled.

This is why many writers hire someone to tend to their business affairs—because most of us suck at it. (I literally have not balanced my checkbook in years. I don’t even know how to do it.) Being a freelancer, especially in an industry as labyrinthine as entertainment, comes with a host of confusing business issues. You’ve just started a new job—did you correctly fill out your short-form? How about your long-form? Or your C.O.A., your W4, and all your payroll documentation? Are you “exempt” or “non-exempt?” When should you form a “loan-out?” Is it time to apply for a Business Tax Certificate? Are you eligible for a performing artists’ special exemption, IRC 62 (b)(1) and (2)?

Agents juggle some of these issues for us, managers tackle others, and some fall to business managers. But for business-adverse writers, hiring reps to handle our confusing business affairs and decisions can often be advantageous.

Nine: To Architect and Plan Careers

Doctors don’t hire agents to map out their careers. Plumbers don’t hire people to map out their career. So why are writers and directors different? If you’re a reasonably intelligent artist, why can’t you map out your own career?

Well, first of all—maybe you can. But Hollywood is different from other industries. Most artists working in Hollywood are freelancers, so you’re not on a fixed path of promotions and raises. You gain cache by continually doing good work, and while “good work” is a requirement of any profession, your writing career can leap ahead with one stellar screenplay . . . or take a nosedive with a crappy one. And unlike, say, a plumber unclogging a drain or a doctor consulting with a patient, writing a screenplay doesn’t take a few minutes or hours . . . it takes *months*. So you’re usually not earning little paychecks, or even a steady paycheck, as you go . . . you’re working for the *hope* of a paycheck somewhere down the line. As a result, it’s often helpful to have informed teammates advising you as you pour massive amounts of time and energy into a project.

Also, effective representatives have their fingers on the pulse of the marketplace. They know what’s selling and who’s buying. They can also evaluate their clients’ current place in the industry. If you’ve just made a splash at a film festival with a low-budget, family comedy, a good representative can advise you what to write next. Should you try your hand at a quirky one-hour television pilot like *Shameless* or *Parenthood* . . . or a large-scale comedy like *The Hangover* or *Identity Thief*?

Architecting a career “depends on what the client’s wishes are,” says Moore. “Then it’s about finding the opportunities that will allow them to get there: figuring out who they should work with, what projects are the best stepping-stones, and giving guidance on how to avoid pitfalls along the way.”

IN HOLLYWOOD, WHO USES REPRESENTATION?

Almost everyone. Writers, directors, actors, musicians, designers, and cinematographers all use representatives to find jobs, make connections, and negotiate deals. So do models and athletes. And camera operators, script supervisors, florist designers, sound mixers. Production companies hire representation to gain access to talented writers, directors, and performers. Smoke House, the company behind *Argo* and *The Ides of March*, is repped by CAA, one of the largest talent agencies in the world. ShondaLand, which produces TV shows such as *Grey’s Anatomy* and *Scandal*, is repped by ICM Partners. Film financiers like the Bandito Brothers (*Act of Valor*) have representation to give them a pipeline to quality investments.

Politicians like former US Representative Barney Frank and former Pennsylvania governor Ed Rendell use representatives to help land well-paying speaking gigs or book deals. International corporations enlist Hollywood reps to find marketing, product integration, and branded entertainment opportunities—like when WME-repped Hasbro turned its toys Battleship, G.I. Joe and Transformers into blockbuster movies, or when CAA orchestrated Hershey’s placement of Icebreakers Sours Gum in a four-minute online episode of “LonelyGirl15.”

Even executives and producers employ representatives when they’re looking for jobs or promotions. Because Hollywood agents talk to everyone in the industry, they’re often aware of opportunities before anyone else. Agencies are “the hotbed of all activity in Hollywood,” says McKay.

“Every creative part of production or entertainment has to run through an agency in some way, shape, or form,” says Gerry Sadowski, an entertainment research consultant for Fox, Paramount, and Playboy TV. “There are six studios, plus Lionsgate-Summit, Weinstein, and everybody else. All the product they make has to run through agencies. The talent, the scripts, the directors—everybody’s either represented or getting funneled through an agency.”

Of course, different agencies have different skill sets. The question now is—how many types of Hollywood representatives are there? What do they each do? And which type is right for you?

2

Types of Representation

There are four main types of Hollywood representation: **agents, managers, lawyers,** and **publicists**. Each specializes in different tasks and responsibilities, and some are more helpful for certain careers—or at certain stages of careers—than others. Agents and managers are the two most recognizable forms of representation—if only thanks to characters like *Entourage*'s Ari Gold and Woody Allen's *Broadway Danny Rose*. They're also the two most misunderstood. While their jobs and goals often overlap, there are actually critical differences between agents and managers that affect how they navigate Hollywood and interact with clients.

AGENTS

"An agent's main responsibility is to find work for the client, to generate business on behalf of the client and the agency," says APA agent Alan Moore. Those clients may be actors, writers, directors, public figures. Usually, an agent specializes in procuring work for one specific type of client. **Talent agents** represent actors auditioning for roles in commercials, TV shows, plays, or movies; ICM Partners, for example, reps Sherril Shepherd, Tim Robbins, and Portia de Rossi. (FYI—the term "talent agent" is often used generically to refer to *all* types of agents that represent artists—musicians, directors, actors, writers, whatever. But to entertainment industry professionals, "talent agent" refers specifically to agents handling actors.) **Literary (or "lit") agents** specialize in writers of literary properties such as books, scripts, or graphic novels. TV agent Scott Schwartz, for example, represents writer/producers Kari Lizer (*The New Adventures of Old Christine*, *Will & Grace*) and Gail Lerner (*Happy Endings*, *Ugly Betty*). Paradigm reps bestselling novelist Stephen King (*Carrie*, *The Shining*),¹ and CAA handles *Unbroken* author Laura Hillenbrand. **Public appearance agencies**, such as The Stephen Barclay Agency, help celebrities, authors, comics, and other experts or performers land speaking gigs, corporate shows, and live engagements. **Music agents** work with bands and musicians to book concerts and tours; WME for example, reps Frank Ocean, LeAnn Rimes, Cee Lo, Ziggy Marley, Natalie Cole, Pitbull, and Kid Cudi.

In exchange for helping clients procure work and jobs, agents charge clients a commission on their income. Agents in some fields take five percent of a clients' income, agents in others take ten or twenty.

What makes an agent an agent?

Can anyone be an agent? I mean, if having an agent is so important, why not just ask your best friend or cousin to help you get a job? I'm sure most of them would be happy to do it for a percentage of your paychecks. "Could your Uncle Harry whip up some letterhead and call himself 'Uncle Harry the Agent?'" asks book agent Scott Hoffman of Folio Literary Management, which represents best-selling authors like Garth Stein (*The Art of Racing in the Rain*) and Buddy Valuator (*Cake Boss*). "He could, but . . . this is a relationship-driven business; editors like to buy books from agents they know and trust."

Wanna Read The Talent Agencies Act in its Entirety?

Check out the California Labor Code, sections 1700–1700.46.

License and Registration

California requires all agents to be bonded and licensed, but at companies with multiple agents, each individual works under the license of the agency.

What Is a Surety Bond?

A surety bond guarantees that if Person A fails to live up to certain contractual obligations agreed to by both Person A and Person B, Person A owes Person B money to cover certain damages.

Hollywood works the same way.

“You get a bazillion scripts/ideas a year,” says Scott Seiffert of Dreamworks Animation SKG. “It is impossible for the average exec to read all the scripts they get.” If a project comes from a trusted agent, however, “the script has gone through a filter and somebody has concluded the script/idea isn’t a heaping pile of shit. It’s like getting a contractor for your house. You can blindly pull a name off the Internet, or you can get a recommendation from your neighbor. The smart money is to look at the neighbor’s recommendation more closely.”

Still, many states have laws requiring agents to meet certain qualifications. Without first meeting these requirements, you can’t operate as an agent. In Arizona, all employment agents, including talent agents, must pass a written test and background check, apply for a license, and put up a \$5,000 bond. Failure to comply results in a Class 6 Felony. In Maine, agents don’t need to put up a bond, but they do need to apply for a license. (Failure to do so results in a fine of at least—are you sitting down?—a whopping \$100.)

Agent requirements are strictest in California, the home of Hollywood, where most talent agents are based. California’s Talent Agencies Act of 1978 requires all talent agents to pay \$225 for a special license and deposit with the Labor Commissioner a surety bond in the penal sum of \$50,000.

How to get a California Talent Agency License

Talent agency application packages are available from California’s Department of Labor Standards Enforcement (DLSE) via:

- Online: www.dir.ca.gov/dlse/Talent_Agency_License.html
- Email: DLSE.licensing@dir.ca.gov
- Phone: (415) 703–4846 (M–F, 8 a.m.–5 p.m.)
- Regular mail: Department of Industrial Relations
Division of Labor Standards Enforcement
Licensing and Registration
P.O. Box 420603
San Francisco, CA 94142

Completed applications must be returned along with an affidavit of character, personal record, tax documents, premise certification, articles of incorporation, and artist/agency contracts, fee schedules and a handful of other documents. Applicantss must also include proof of their \$50,000 surety bond. There are also some fees:

- Annual license fee—\$225
- Annual fee for branch office—\$50/office (beyond the headquarters)
- Filing fee—\$25

For more information, visit the CA DLSE at www.dir.ca.gov/dlse/Talent_Agency_License.html or the Association of Talent Agents, a non-profit trade association representing talent agencies across the country, at www.agentassociation.com.

As part of their mission to procure employment for clients, agents also negotiate contracts, set up introductions for buyers and clients, offer constructive advice on scripts or other work, and help clients identify long-term career goals and strategies for meeting them.

There’s one important thing, however, that agents *cannot* do: *produce their clients’ work*. In other words, an agent representing an actor may help that actor land jobs in movies, but he can’t produce those same movies. WME, for example, represents director Jason Reitman; WME may help Reitman sell projects, find actors, even secure

No Double-Dipping!

Although California's Talent Agencies Act doesn't specifically keep agents from producing, it *does* prevent agents from "dividing fees with an employer," or making money off clients as well as those clients' employers or projects (often called "double-dipping").

To Learn More About The Guilds

And to see lists of each union's Guild-signatory agencies or its agency franchise agreement, visit the unions on their websites:

WGA—www.wga.org

DGA—www.dga.org

SAG-AFTRA—
www.sagaftra.org

financing—all things a good producer might do—but WME can not be credited or paid as an actual producer. This is to keep agents from funneling clients into movies, TV shows, or other endeavors in which they have a financial stake. This would be a huge conflict of interest, not only because agents would be motivated to steer clients toward their own productions or companies, but because producers have incentive to pay talent as little as possible, so it's not right to let agents—who are tasked with making their clients money—be those same clients' employers.

Ironically, there's no official law forbidding agents from producing. Rather, the "no-producing rule" is a provision of agencies' **franchise agreements** with the Guilds, unions representing Hollywood's professional artists. The Writers Guild of America (WGA) represents TV and screenwriters; the Directors Guild of America (DGA) covers directors and assistant directors; the Screen Actors Guild and the American Federation of Television and Radio Artists (SAG-AFTRA) reps actors, hosts, and voice-over performers.

Each union has its own agency franchise agreement, regulating how long clients can be bound, how agent-client disputes must be handled, how much agents can charge, etc. (For example, the California Labor Commission will usually approve agency commissions up to twenty percent, but the Guilds restrict commission to only ten percent.)² Most legitimate agencies are "**Guild-signatory**," meaning they've complied with the rules of the Guild's franchise agreements. The unions recommend no one sign with an agency that's not Guild-signatory; Guild contracts have been put in place to protect artists from unscrupulous representatives. Guild-signatory agencies are not necessarily recommended or endorsed by the unions; they've simply agreed to follow a specific set of rules.

While franchise agreements prevent agents from producing, there's one important "caveat" to this rule: agencies can own up to twenty percent of a production entity.³ So while agents can't technically act as bona fide producers, recent years *have* seen agencies start to invest in various production companies. ICM, for example, invests in interactive producer Rides.TV, while CAA has a stake in Funny or Die and UTA owns part of Awesomeness TV. (More on this in Chapter Three.)

TYPES OF AGENTS

There are two types of Hollywood agents: **above-the-line** and **below-the-line**. "The line" refers to the budget of a film or TV production, where an actual line often separates certain elements from others. "Above-the-line" elements—the writer, director, and main cast members—are considered indispensable and must be in place before production begins. "Below-the-line" elements are hired once the project has been officially green-lit: camera operators, dolly grips, make-up artists, etc.

Most agents represent either above-the-line or below-the-line clients. Montana Artists Agency, for instance, specializes in below-the-line clients, representing stunt coordinators such as Charlie Croughwell (*Flight*, *Dawn of the Planet of the Apes*), costume designers such as Durinda Wood (*A Mighty Wind*, *Brothers*), and editors such as Michelle Tesoro (*Newsroom*, *House of Cards*).

This book focuses on above-the-line agents, which can themselves be divided into two categories: **talent agents** (which represent actors and performers) and **lit agents** (writers, authors, directors, producers). We're here to talk about lit agents, which can be further divided into other categories:

- **Motion picture ("MP") lit agents** rep writers of feature-length screenplays
- **TV lit agents** handle TV writers, showrunners, and producers
- **Alternative agents** rep writers and producers of reality, talk, and game shows
- **Digital media agents** work with writers and creators of video games, web series, and online content

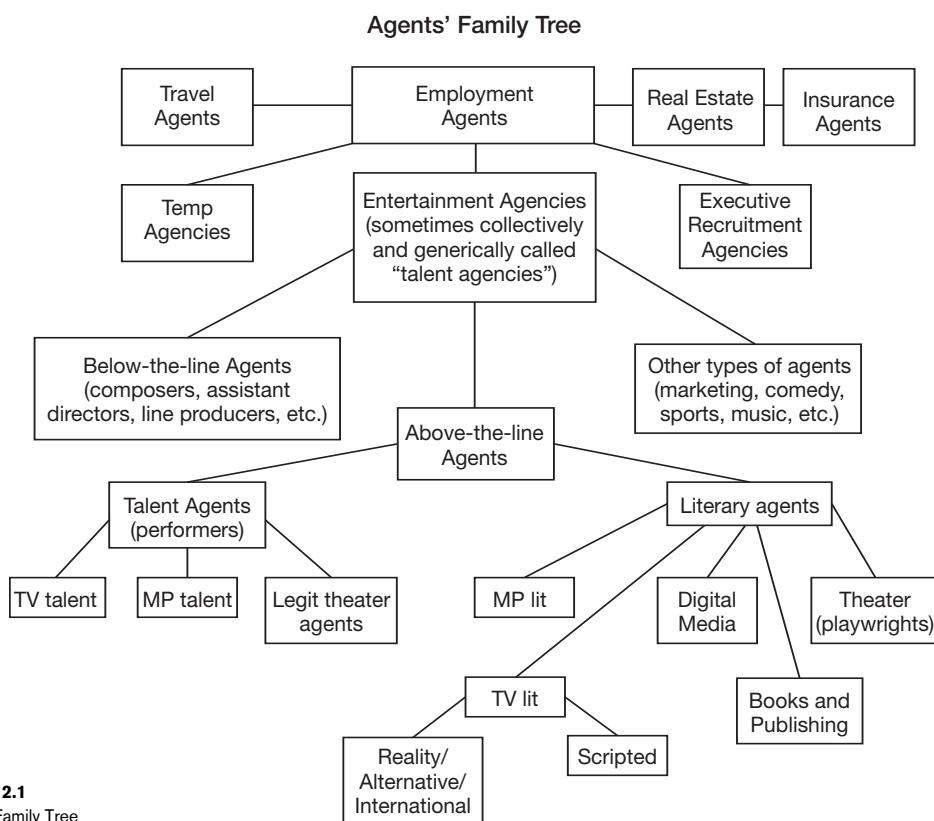


FIGURE 2.1
Agents' Family Tree

Lit agents come in all shapes and sizes. Some work for tiny one- or two-man shops; others work for international corporations. Some work from their garage or basement; others office in plush penthouse suites. We'll discuss various types and sizes of agencies later—as well as the pros and cons of each—but regardless of size and location, all lit agencies share common goals.

"[We are] the architect for a writer's career," says Tanya Cohen of Verve Talent and Literary Agency, which reps *Star Wars VII* writer Michael Arndt and *Jurassic Park IV* director Colin Trevorrow, "designing a plan for a writer's career that is specific, targeted, and in line with the artist's highest dreams and ambitions. [This means] being ahead of the client at all times, always thinking about what's next, being in front of all opportunities in both the studio and the independent space."

HOW LITERARY AGENTS MAKE MONEY

Literary agents have three primary revenue streams, and they each inform agents' actions and strategies differently. We'll discuss these revenue streams in greater detail in the next chapter, but they are:

1. **Commission**—This is the most common and widely understood form of payment. Most literary agents—whether repping TV writers, screenwriters, playwrights, or authors—charge clients ten percent of their gross earnings.
2. **TV Packaging fees**—TV lit agents often sell shows as "**packages**," providing a buyer not only with a writer and an idea, but with other above-the-line elements such as a director, producer, or actor. When selling packages, agencies become

No Commission!

When agents take a packaging fee, they don't commission the client. So if your agents package your new TV pitch with a grade-A star, then sell it to ABC Studios for \$100,000, the agents get their package and you get your entire \$100,000—without having to pay your \$10,000 commission! In fact, if agents provide that show with other in-house clients—directors, actors, line producers, composers, stunt coordinators—*none* of them pay commission! Agents aren't allowed to “double-dip,” so once they've obtained a lucrative package, they can't also commission their clients.

part owners in the series, taking a portion of each show's weekly budget as well as a piece of its backend profits. Since TV shows can have backends worth billions of dollars (*Seinfeld's* backend earned \$2.7 billion in its first twelve years of syndication),⁴ TV packaging can generate serious coin for agents. We'll learn much more about packaging fees in Chapters 3 and 7.

3. **Producer commissions**—MP lit agents not only charge clients ten percent, they also frequently take a ten percent commission from producers to whom they sell. That's right—if an agent sets up a project with a producer, and that producer helps sell the project to a studio, the agent will charge the producer a ten percent fee for providing her with the material.

MANAGERS

“Managers are essentially the artist's partner—whether [that artist is a] writer, actor, director, or producers,” says Alex Murray, a manager at Brillstein Partners Entertainment, where he manages clients Jim Gaffigan, Chris Hardwicke, and Michael Waltrip. “We're their right-hand man, their partner in helping them create and execute a blueprint for their business.”

Managers often differ from agents because “agents have specific jobs,” Murray explains. “There are TV agents, lit agents, talent agents, personal appearance agents, film agents . . . whereas the manager oversees everything. The best analogy is: if there's a football team, I'm the head coach, and agents are the offensive coordinator, defensive coordinator, quarterback's coach, linebacker coach. You need *all* those guys to execute the plan, but it's the head coach that comes up with the X's and O's of what exactly needs to happen.”

In other words, while agents focus on getting clients jobs in the short term, and in specific areas, managers help shape and guide a client's long-term career.

“Your manager is the CEO of your business,” says Kara Welker, a partner at Generate, where she helps manage writers and comics such as Al Madrigal, Brian Posehn, and Patton Oswalt, “while an agent or an agency is the sales force.”

Managers counsel clients on business choices, introduce them to buyers, and offer creative advice on projects. “You play a lot of different roles—that's what keeps the job fun,” says music manager Chris Knight of Career Artist Manager, the firm that reps Maroon 5, Stone Temple Pilots, Barenaked Ladies, and Sara Bareilles. “I like to call it the professional babysitter. Some days you're a therapist, some days you're working out a deal—contract negotiation. Basically, you're overlooking the person's career from top to bottom, helping them make the right decisions.”

Of course, agents like to claim much of this is part of their job description as well. So what *is* the difference?

What Makes a Manager a Manager?

It's actually easier to understand what managers do by looking at what they *can't* do. And what managers can't do is fairly simple: *managers can't legally procure work for their clients.*

Managers can guide clients and strategize careers; they can make creative suggestions and notes; they can arrange meetings and send out scripts; but they can't legally get clients paid work.

Why not? Because managers, unlike agents, don't have to be licensed. Remember: in California—and twenty-four other states—talent agents must be licensed in order to procure actual paid work for clients. Of course, the flip side is: because the barrier to entry is much lower, *anyone* can call themselves a manager.

“Not anybody can just become an agent overnight . . . but anybody can do the management path. A dog could probably be a manager,” says Jeff Holland, a founding partner of The Cartel, a management company representing writers and producers like

Sheryl Anderson (*Charmed*, *Flash Gordon*) and Pat Charles (*Bones*, *Sons of Anarchy*). “Anybody can decide to [be a manager] any time of day and just start it up, work out of their house, work out of their car, work out of their minivan, whatever they want to do.”

Once again, this stems from 1978’s Talent Agencies Act, which mandates that anyone getting work for clients must be licensed by the state. Managers don’t want to get licensed—and if they did, they’d be agents—so, therefore, they’re not allowed to procure work. In fact, if managers *are* caught procuring work, they forfeit any commissions made on that client’s employment. Managers, like agents, usually charge clients ten percent commission. But if the state finds a manager actually *getting* work for their clients—*poof!* There goes their commission.

Of course, the meaning of “procuring work” is vague. Let’s say a manager introduces a writer to a producer, that producer and writer form a relationship, and the producer later buys a pitch from the writer. Is that “procuring work?” The manager simply made an introduction; the sale of the script happened later.

What if an executive is hiring writers for a TV show and a manager sends over a script, saying, “This is a great writer, someone you should definitely know,” and the executive ends up hiring the writer on the TV show. Is that “procuring work?” The manager didn’t say, “I’m submitting this writer for a specific job”; he just said, “You should know this talented writer”—and the exec happened to be hiring at the time.

Or what if a manager sends a client’s screenplay to a movie studio, the studio says it wants to buy the project, so the manager enlists the client’s agent to negotiate and close the deal. Is that “procuring work?” The manager introduced the studio execs to a commercial piece of material, hoping they’d buy it . . . but it was the agent who actually closed the deal and made the sale, the official procurement of work.

Good To Know

Managers’ standard commission used to be fifteen percent—and a handful may still charge that—but most have joined agents in charging ten percent.

Hollywood vs. the Talent Agencies Act

In November, 2012, the National Conference of Personal Managers (NCOPM), a professional trade organization of talent managers, filed a federal suit naming California Governor Jerry Brown, Attorney General Kamala Harris, and Labor Commissioner Julie Su.

The NCOPM’s suit claimed the Talent Agencies Act goes against the 13th Amendment of the U.S. Constitution, which outlaws slavery and involuntary servitude. According to the managers, the TAA encourages involuntary servitude because managers are working for clients who can then turn around and refuse to pay managers for doing the very job they were hired to do. This came after various performers—including Arsenio Hall, Rosa Blasi, and Ke\$ha—fired their managers and used the TAA to escape paying owed commissions.⁵

The NCOPM also charged that the TAA interferes with due process and equal protection, as well as interstate commerce since it deprives “out-of-state personal managers access to the California talent market on equal terms.” The suit claimed that the TAA was established to regulate agents, not managers; an earlier draft of the law even had a clause addressing managers—but it was later omitted—proof, said the NCOPM, that legislators did not intend for the law to apply to managers.

The suit estimated the TAA has cost managers over \$500 million in income, and sought a permanent injunction keeping California from enforcing the Talent Agencies Act.⁶

On March 5, 2013, U.S. District Court Judge Dean Pregerson threw the case out. Pregerson ruled that “not being compensated for work performed does not inevitably make that work involuntary servitude. Plaintiff’s members have choices. They have the choice to refrain from procuring employment for their clients, to procure employment without a license and risk the voiding of parts of their contracts, or to obtain a license.”⁷

As of March, 2013, the NCOPM had vowed to appeal.

These scenarios illuminate the often slippery nature of where managers fit in the context and purview of the Talent Agencies Act.

Another Big Difference Between Managers and Agents

Because managers can't procure work, they're not considered "sellers" in the same way agents are. Thus, managers are allowed to do something agents aren't: *produce their clients' work*. Remember—agents are barred from producing by franchise agreements, but since managers aren't (supposedly) getting clients work, they're allowed to produce!

Thus, when agents and managers try to sell a client's script or pitch, managers often attach themselves as producers. This means that if the project gets made into a movie or TV show, the manager is paid and credited as a producer. You know all those producers, co-producers, executive producers, and co-executive producers you see flashing across the screen at the beginning of a TV show or movie? Some may be managers of the project's writers, producers, or actors! Watch MTV's *The Inbetweeners*—see "Executive Producer Aaron Kaplan" strolling past? Aaron Kaplan manages Damon Beesley and Iain Morris, the creators of the original British version of *The Inbetweeners*.⁸ Next time you watch *Crazy, Stupid, Love*, note the credit for co-producer Eryn Brown—she manages writer Dan Fogelman at Management 360.⁹

Does this mean managers are parasites, siphoning money and credit from their client's projects and sales? *Not at all!* Most good managers are hands-on producers, working hard to develop clients' scripts, attach talent, find directors or financing, and sell the project to the right studio or network. Once the show is on the air, or the film is in production, most managers then execute actual producer duties to earn their title and fee.

Some management companies are so heavily involved in production they even have their own production facilities. New Wave Entertainment, for instance, has its own studios, green screens, cameras, lights, and edit bays. This gives clients practical resources for shooting content: shorts, web videos, demos, and **sizzle reels** (short video "teasers" or trailers designed to help sell a reality project).

It also allows New Wave to "deliver scripted fare to networks that don't have the desire to spend, or the capacity to spend, the money it would normally take to buy scripted fare," says New Wave manager Michael Pelmont, who's a producer on New Wave productions *Stevie TV* or *Munchie the Agent*. "We put together writing staffs. We have internal line producers that budget the show and work with networks in terms of hitting the numbers they want to hit . . . or, if they're beating those numbers, they order extra episodes. We give it to one of our fifty editors to then cut. We're literally making the show soup to nuts."

When managers receive a producing fee, they don't commission their client—just like when agents take a package. "In the perfect world where everything works the way it's supposed to work," says Pelmont, a client sells a show and "will pay no

Good to Know

Managers only get paid as producers if the project gets made—and most projects never see the light of the day.

Insider's Tip

If you're hunting for management companies that also produce good shows and movies, *do your research*. "An uninformed writer, a new writer, someone not aware of the situation, will say, 'Oh! This manager's an executive producer! I see their name at the end of the show!'" says one prominent literary manager. But sometimes that "manager just represents the *star* of the show—he doesn't actually have much influence on who's being hired. So while the titles and credits might look the same, it's apples and oranges. That's something you have to look at."

commissions. The studio pays [the client's] manager a fee as a producer, and [the studio] pays their agents a fee as a packaging fee."

So Managers Can't Procure Work . . . But They *Can* Produce. How Else Do Managers Differ from Agents?

One of the biggest differences is that managers have smaller clients lists than agents, allowing them to give clients more personal attention. While an agent may have more than seventy or eighty clients, managers often have fifteen or twenty—sometimes fewer. This also allows managers to be more creatively hands-on than agents.

"Not to say agents aren't creatively involved," says Cohen, but "we're designing the business side of [a client's] career. A manager's role is to be the *creative* partner . . . to read [scripts] page-by-page and act-by-act, and really be a creative soundboard."

Also, because most agencies are ferociously competitive (and rabidly protective of their clients), most won't work with rival agencies when putting together a project or TV package. Managers, however, aren't usually afraid to work with other firms and clients, so a lit manager at Anonymous Content may pair a writing client, like *Terra Nova's* Barbara Marshall with an actor from Industry Entertainment, which reps stars such as *Hawaii Five-0's* Daniel Dae Kim and Beth Behrs of *2 Broke Girls*.

Managers also act as liaisons to clients' other representatives. They coordinate activities and communication between a client's agents, publicists, and lawyers. And because managers have fewer clients than other types of representatives, they're usually more accessible and easier for clients to reach.

"I almost discourage my clients from contacting their agent ten times a week," says manager Geoff Silverman of The Cartel. "That will drive an agent crazy. Managers are there to talk everyday, twice a day, once a week—whatever the client is comfortable doing."

LAWYERS

Fantastic agents and managers know the ins and outs of most Hollywood deals. They know the basic tenets of a standard staffing contract or script deal. But even the world's greatest agent or manager doesn't have legal powers. "Agents tend to focus more on the deal points in broad strokes. What's the fixed compensation? What's the backend?" says entertainment lawyer Greg Snodgrass of Business Affairs, Inc., a law firm representing clients like Fox Searchlight, HBO, and Lucasfilm. "The attorney is able to catch the nuances in the agreement, in terms of legal drafting, protecting rights—like who owns the copyright? Questions that may not be as much of a consideration for an agent are more of a consideration for the lawyer."

Even if your agent went to law school, he's not spending 24/7 immersed in intricate legal technicalities. "There's almost a 'secret encyclopedia' of what is typical and necessary of people to give, and that changes over time," says entertainment attorney Charles Holland. "Small things: how much expenses someone is going to give, whether these people will give you an advance if you ask for it. A lot of these things are known by agents, but sometimes they're more known by lawyers."

Thus, having a good entertainment lawyer is essential to anyone climbing the Hollywood ladder. "The difference between millions of dollars can be a comma or a period in a contract," says APA lit agent Lindsay Howard. "That's incredibly complicated legal language I can't even pretend to understand, but it can be incredibly lucrative."

Unlike agents, lawyers don't usually get clients work. And unlike managers, lawyers don't usually give clients feedback on scripts or projects. In fact, most law firms discourage their lawyers from doing that. Law firms can get incredibly competitive, so partners discourage any behavior that could potentially backfire and cost the company a client.

Lawyer Up!

"Any writer that's serious about being a creator—get a fucking great entertainment lawyer," says one literary manager. "[Not doing that] is the definition of penny-wise/dollar-stupid. When it comes to those [legal] definitions, in success it leads to a lot of money, and for five percent, it's worth it. Don't skimp. This is your livelihood."

Most lawyers focus on perusing contracts, making sure clients are legally protected and keeping them informed about the “legal concepts and effects” of deals. “[Agents and managers] wouldn’t necessarily know the legal effect of something,” says Holland. “Sometimes a date, even language, the difference between ‘shall’ and ‘must’ or ‘shall’ and ‘is’ [can make a huge difference]. There is all kinds of . . . magic language we, as lawyers, know is magic. ‘Best efforts’ is something that gets thrown around by agents like it doesn’t mean anything. There will be a provision that writers have to have ‘best efforts’ to have their script turned in by a certain date. We, as lawyers, know ‘best efforts’ is something to be avoided. It means you do *anything* to make something happen, even beyond ‘reasonable,’ even beyond ‘prudent,’ even if it bankrupts you. ‘Best efforts’—you could say, ‘Okay, then you don’t sleep.’ ‘You don’t go to your daughter’s graduation.’ ‘Reasonable efforts’ is what you want.”

What Type of Lawyer Do You Need?

There are many different types of entertainment lawyers: intellectual property lawyers, bankruptcy lawyers, employment law attorneys, immigration attorneys, securities lawyers. What you need, however, is a **transactional attorney**, an attorney who specializes in contracts, deals, and business documents. Transactional lawyers deal with everything from directors’ contracts to record deals to film financing to corporate licensing partnerships.

Damage Control!

A publicist’s job may also be keeping certain clients *out* of the media—like in November, 2012, when Rogers & Cowan pulled Lindsay Lohan out of a planned Barbara Walters interview, afraid Walters would question her on possible criminal charges of lying to police about a car crash earlier that year.

How Are Lawyers Paid?

Many lawyers charge their clients commission, but whereas agents and managers charge ten percent, most entertainment lawyers charge only five percent. Other lawyers charge by the hour. Either way, one thing to beware of—many lawyers also charge an upfront retainer. You or your agent, if you already have one, can sometimes get this waived, and lawyers will often let it go if you already have a job they know will generate income.

PUBLICISTS

Publicists “help create, enhance, and protect the public profile of a celebrity or public figure,” says Julie Nathanson, Executive Vice President of Entertainment at Rogers and Cowan, one of Hollywood’s top PR firms. “We work with actors, musicians, authors, producers, directors, events—anybody who has a reason to be in the public eye. Or finds themselves in the public eye.” This means that rather than finding clients employment, like agents do, or developing and producing material, like managers do, publicists help clients get media exposure. This could include coverage in magazine features and newspaper articles, guest spots on talk shows such as *Jimmy Kimmel Live*, even appearances at live events like the Hollywood Christmas Parade.

“Publicity is a tool like many other tools to help [clients] get more and better opportunities to work,” says Nathanson. “If [someone is] an actor on a television series, and they are emerging talent, below the first or second lead, it might behoove them to make sure both the audience and the industry—the people who can hire them for their next job—know them by their real name, not just their character.”

How Do Publicists Make Money?

Unlike agents and managers, who charge clients a percentage of their earnings, publicists charge retainer fees. Some charge \$5,000 per month; others charge \$200 per hour. This is partly because publicity does not lead directly to employment, so it’s tough to say publicists should get paid only if the client gets work. And since clients don’t get paid for going on *The Daily Show* or *The View*, or for being interviewed in *Esquire*, it’s difficult to link a publicist’s compensation to clients’ earnings.

Unlike publicists, “agents and managers are committed to clients because they know they could have a really big payday,” says Nathanson whose company’s client list has boasted Robert Downey Jr., Elton John, and Tom Cruise. “If [a client] makes \$10 million per movie, [agents] make \$1 million. An agency or manager can work for a client for a long time and never see any money, but when they do it is likely to be a bigger payday. At \$5,000 per month, it takes [publicists] a long time to make a million dollars, but our \$5,000 a month is guaranteed.”

This is also important because there are no assurances in publicity. Publicists can work hard, do a great job, and *still* get the client no helpful publicity. “If you’re an actor, you can’t hire a publicist and three months later say, ‘You didn’t get me on Letterman . . . I want my money back.’ Or, ‘You didn’t get me in *People* magazine, so I’m not paying you.’ Everyone does the best they can,” Nathanson says. Hopefully, you don’t take on clients you don’t think you can do something for. [And] hopefully, as a client, you are responsible enough to know you have to be watching and making sure your publicist is really working for you. Everybody on an actor’s team—agent, manager, and talent—part of their job is to keep a close watch on how the publicity is doing. Sometimes the publicity is great but it’s not helping. Sometimes the publicity isn’t so good, but the publicist is really pulling out all the stops. And sometimes it’s the perfect storm: the publicist is working hard, publicity is coming through, and the additional exposure helps agents and managers build [the client’s] career.”

Do Writers or Directors Need Publicists?

Not usually. Behind-the-camera artists usually get work based on the quality of their work and quantifiable factors like box office receipts, sales, viewer ratings, and awards or nominations—not their public persona or celebrity cache. “The only reason a writer or director would need a publicist would be to keep their name in front of five or six hundred people who can actually get them jobs,” explains Nathanson. When publicity needs to be done for a new movie—like including the director or writer in the film junket, press kit, or **EPK**—it’s typically handled by the studio or distributor’s PR department. Some directors even have clauses in their contracts requiring the studio to include them in certain press activities.

Having said that, writers and directors occasionally hire publicists during awards season. Let’s say a writer or director’s new film is getting a lot of attention; that writer/director may want a publicist to get his name out there in hopes of garnering a nomination for an Emmy or Oscar, or a even a nod from the Directors Guild or Writers Guild Awards.

Talk the Talk

EPK—Electronic Press Kit.

One Other Type of Representation: Business Managers

Many successful producers, writers, actors, and directors add to their teams the services of a business manager. While business managers are often in regular contact with their clients’s agents, managers, and lawyers, they fulfill a slightly different function. To learn more about what business managers do, I decided to ask Ali lali, veteran business manager at CBIZ MHM, LLC, where “clients range from directors and producers to wealthy individuals.”

ME: Ali, what’s the nutshell description of a business manager?

IALI: Business management (AKA ‘Family Office’) deals with all the financial aspects of a client’s life. The client can be an individual, a couple or a business. Depending on the level of engagement a client requires, we can do anything and everything. We make sure income is received on a timely basis, bills paid accordingly. We are involved in the wealth management setup, insurance, household employees, business employees (payroll), we purchase and oversee the construction of homes, we engage people to sell homes, get cars and sell them, etc. If we cannot do it ourselves, we know the right people who can.

ME: How is a business manager different from a talent or literary manager?

IALI: Talent and literary managers are involved in promoting the client and making the deals. Our role is managing the money and all aspects of the day-to-day life of any talent so that they can focus on their talent.

ME: Who has a business manager? Writers? Directors? Production companies? Giant studios?

IALI: Almost anyone can have a business manager. Definitely, writers, directors, producers and their companies, actors, performers, athletes, wealthy individuals or trust fund babies. I cannot list all of them but you can get the gist of it. Giant studios normally have their own accounting departments that take care of them.

ME: When might a writer or director turn to a business manager? What problems or situations might a business manager handle that a smart writer/director/client couldn't handle on his or her own?

IALI: You can be an extremely talented writer, director, or otherwise, but that does not mean you have the time and/or the capability of managing your finances while you are doing the work you do. We make clients' life easier for them. We deal with things that they need not to. We will deal with bankers, investment firms, insurance, real estate brokers . . . show me any successful director, producer and or writer that does his or her own finances as well as their trade. For example, Steven Spielberg has a team of business managers.

ME: Are business managers ever involved creatively with their clients? Do they give notes or feedback on scripts, pitches, edits of movies, etc.?

IALI: Not necessarily. Those that come from that background will. Normally it is the talent manager that will do so.

ME: At what point in their career might a writer or director want or need a business manager?

IALI: You will get to that point when you start getting requests for your trade and become pressed for time. In addition, a business manager with a long resume can be costly. So a talent that is just starting does not need a business manager unless an amazing deal falls in their lap with a lot of money. This is when a business manager is needed to protect the talent from themselves. Most tend to spend a lot when that happens. I have seen it with athletes. They are notorious for doing so with few exceptions.

ME: How are business managers paid?

IALI: Depending on the client and the engagement, we can go hourly, flat retainer or a percentage of proceeds. Our fees, without naming names, can be as low as \$1,000 per month, to \$15,000 and \$20,000 and sometimes much more.

ME: When looking for a business manager, what should a writer or director look for?

IALI: They should look for a history of that manager having writers and directors as clients. A manager that understands the client's trade is much more valuable than one who has no clue. You do not want a baker to build a kitchen cabinet!

ME: How important is it for a business manager to have experience, in the entertainment industry? Does this industry work much differently than other industries, or could a business manager who mostly has, say, finance clients, also navigate the needs of someone in entertainment?

IALI: The entertainment industry is a huge monster, and if you do not know about WGA, DGA, and all the other guilds, you will not be able to guarantee the client is getting their fully earned income, may it be fees, residuals, royalties, or participation. Normally, most business management firms will have directors from all aspects of the business world and a good firm will match the client with the correct team leader.

ME: When a writer or director is looking for a talent or literary agent or manager, it's important to find someone who "gets" you—someone who understands your brand, your creative work, etc. How important is it for a business managers to "get" you—your vision and your brand? Does this even matter?

IALI: That is very important. It goes along the same lines as [the last two questions]. The ultimate asset that a business manager can have is trustworthiness and integrity.

ME: How and when do business managers interact with clients' other representatives –agents, lawyers, publicists, managers, etc.?

IALI: Whenever there is anything financial on the line, we always get involved since– in most cases–there are tax ramifications for any transactions signed off on by the other representatives. We need to plan ahead based on the deal being presented. We always try to stay in touch with everyone connected to the client through conference calls, meetings and lunch meetings.

Agents vs. Managers vs. Lawyers

Wanna see how different types of reps compare? Here are some general comparisons between agents, managers, lawyers, and publicists.

TABLE 2.1

	<i>Agents</i>	<i>Managers</i>	<i>Lawyers</i>	<i>Publicists</i>
Must be Licensed	Yes (although requirements differ from state to state)	No	Yes	No
Must be Bonded	Yes (although requirements differ from state to state)	No	No (although requirements differ from state to state)	No
Has Legal Powers	No	No	Yes	No
Number of Clients	50–80	15–25	Varies	Varies
Charges Commission	10%	10–15%	5%	No
Charges Retainer	No	No	Sometimes	Yes
Legally Procures Work	Yes	No	No	No
Offers Creative Feedback	Yes	Yes	No	No
Strategizes Long-term Career Goals	Yes	Yes	No	No
Negotiates Contracts	Yes	Occasionally	Yes	No
Arranges Introductions and Meetings	Yes	Yes	Not usually	No
Produces Content (including receiving producer fees and credit)	No	Yes	No	No
Receives Packaging Fees	Yes	No	No	No
Commissions Producers' Fees	Yes	No	No	No
Arranges PR Opportunities (junkets, public appearances, media exposure, etc.)	No	No	No	Yes

THE STATE OF REPRESENTATION TODAY

When I first started working in Hollywood, in 1999, the agency world was dominated by five huge firms: CAA, William Morris, ICM, UTA, and Endeavor. There were also several “mid-level” agencies such as APA, Paradigm, Metropolitan, Writers and Artists, The Gersh Agency, Don Buchwald & Associates, and Innovative Artists. In addition, there were numerous “boutiques,” small but effective agencies like Dytman & Associates, Kaplan Stahler, Major Clients, Vision Arts, The Rothman Agency, The

Irv Schechter Company, Abrams Artists, and Broder Kurland Webb Uffner. There were far fewer management companies. The prominent ones were Brillstein-Grey Entertainment and 3 Arts, both large companies representing major players such as Brad Pitt and Nick Lachey. Smaller companies were few and far between.

Over the years, that balance has begun to shift. Small firms lost talented agents to larger companies. In 2002, the Bruce Brown Agency, which repped writers like Cindy Chupack (*Sex and the City*, *Modern Family*),¹⁰ lost agent Dave Brown to the Genesis Agency, which was in turn bought out by Paradigm. Similarly, in 2009, Kaplan Stahler Gumer Braun lost president Bob Gumer to APA¹¹ and partner Alan Braun to CAA.

Many smaller agencies were bought out. In 2006, ICM gobbled up Broder Webb Chervin Silbermann¹² (formerly Broder Kurland Webb Uffner), a twenty-seven-agent boutique that had become a literary steamroller by repping TV writers like Alex Kurtzman and Roberto Orci (*Alias*) and Chris Gerolmo (*Over There*). That same year, the Gersh Agency acquired Dytman & Associates,¹³ an LA-based boutique that represented top-level writers such as David Amann (*Castle*) and Bob Daily (*Desperate Housewives*), and New York's Joyce Ketay Agency, which specialized in playwrights like Tony Kushner (*Angels in America*) and Neil LaBute (*In the Company of Men*).¹⁴

The industry's biggest merger came in 2009, when two juggernaut agencies—the 111-year-old William Morris Agency and 14-year-old Endeavor—joined forces. Throughout its history, William Morris had been one of the world's leading agencies, repping legends like Frank Sinatra, Elvis Presley, Frank Capra, Marilyn Monroe, and Clark Gable. It had also built a formidable music business with clients like Kanye West and Willie Nelson;¹⁵ but in recent years its film and TV business had flagged.

Endeavor, meanwhile, had booming TV and film divisions thanks to clients like Tina Fey, Matt Damon, Robert De Niro, Jenna Fischer, Jack Black, Sienna Miller, David Kelley, Ben Stiller, and Amy Poehler. In fact, a year before the merger, Endeavor went head to head with industry leader CAA in a battle to see who would close the most TV deals. The results? CAA: 359. Endeavor: 376. With annual revenue less than half of CAA's, Endeavor was quickly building a reputation as a scrappy, innovative, forward-thinking powerhouse.¹⁶

While many industry insiders viewed the William Morris–Endeavor merger as more of a takeover (William Morris CEO Jim Wiatt was forced out and 100 William Morris employees were fired; Endeavor's leadership remained intact, and the agency cut a mere six people¹⁷), the new company, WME, combined the strengths of both former agencies. WME had more than 300 agents—spread across two continents—and boasted clients ranging from Ben Affleck to Tyra Banks to J.J. Abrams.¹⁸ Although a muscular new player had arrived on the scene, the William Morris–Endeavor marriage was also an unmistakable sign of the times: *the agency world was shrinking*.

Another world, however, was expanding. "Every time an agent gets fired," says New Wave manager Michael Pelmont, "you generally have a new manager pop up." It's true. Agent Dave Brown, formerly of Genesis and The Bruce Brown Agency, became a manager at Artist International, which reps writers such as Billy Riback (*Home Improvement*, *The Suite Life on Deck*) and director Jon Amiel (*Entrapment*, *The Borgias*). ICM agent Ron West left the agency in 2002 to help found Thruline Entertainment and its production arm, Tagline Pictures (*Psych*, *Man Up*, *100 Questions*). Former William Morris agent David Lonner launched Oasis Media Group, which represents directors like Alexander Payne (*The Descendants*) and Brad Bird¹⁹ (*Mission Impossible: Ghost Protocol*, *The Incredibles*), while his old agenting colleague Marc Schwartz reps Valerie Bertinelli and Melissa Gilbert at Fusion Management.

"With the consolidation of agencies, and the wash of mid-size boutiques and mom-and-pop shops, there's been a need in the last twelve years for managers," says Brown. "The truth is: this town is so damn tough, you need a whole village to get somebody a job. The volume [agents] work at is more of a plug-and-play business; it's 'Where's the check? When's the payday?' It's not so much, 'How are we going to get this movie