

THE COWBOY WAY—Jan./Feb. 2003 issue

By Mickey Freiberg

Q: Could you paint a picture of the process an agent goes through when he starts sending out a client's script? How does he generate buzz?

The first thing for an agent to do in preparing to go out with a respectable spec script is to assemble a call list worthy of the material. A lot of the list will come from the template of an agent's close contacts and production resources, and (at least if it's a good agent) the list should read like a veritable who's who of the industry. These are the people the agent knows well enough that they either owe him a read or he owes them a look. From here the list can be added to or abridged in order to better fit the genre of the material. If it's a sci-fi space opera then Flower Films isn't likely to wanna waste their time. Special consideration can be taken for companies that already know the writer's work, or have particular interest in one of the script's strong suites. Once the list is assembled, it's time to follow through with the calls.

Running down the pitch list can often be fast and furious. If an agent has a script he knows will be hot, he can look at it like a commodity to be rationed for the needy. He'll set a particular time within the next 24 hours to have the script picked up by industry messengers. He'll have more than enough copies ready to be picked up, because as soon as word spreads that a script by *Known Writer* is available to be picked up from *Respected Agent*, it becomes much more about making sure the right people get a clean copy and less about looking for more takers. As soon as the clock ticks down to ground zero, the script starts flying all across town. It's passed along to hungry industry readers that rush through a quick read and tell their bosses what they think. It will be handed up the ladder of readers just as long as it's worth each next reader's time, and all the agent can do is sit back and hope those readers are having a good day. Assuming nothing explodes late that night (a midnight call offering seven figures would be nice), it's time to go home, take a tranquilizer and dream of points on the back end.

How the next day is going to go can usually be guessed by mid morning. The calls should either be trickling or flooding in. "Nay," "yeah," or "let's set a meeting," any established contact the agent had is going to be sure and get back to him before the end of the day. For the client's part, all he can do is pull out a bigger bottle than the one he finished off the night before. Like a match in the desert, so much heat is destined to either catch a solid fire or fizzle out within a very short period of time. That's just the nature of the beast.

Q: A production company likes my script but says it needs work. They suggested a writer who will charge me \$2,000 to make it marketable. This company then will try to get it produced. I checked them out and they seem legit. What do you think?

Have you ever heard of a little scam those in the know call "the flim-flam man"? You might think that anybody suggesting they'd be willing to take a serious look at your script only after you pay one of their writers \$2,000 to attach themselves to the material probably doesn't have a lot of room in their hearts for your best interest. No legitimate company would have the gall or audacity to ask you to pay for any further attachments they believe will push your project over the top. If they already believe in the project, they'd be willing to ante up for the price of the rewrite. If not, then they're just looking to draw \$2,000 from a gullible writer like yourself.

Q: I have a book I'd like to option and was told that I shouldn't contact the publisher directly but to use an entertainment lawyer instead. How much should I expect to pay? I have no idea as to the amount of time the lawyer needs to get the necessary agreements in order with the publisher.

It's clear you have a book you'd like to get optioned (as does every other serious writer in America). The question is whether or not you have a publisher that would actually pay to take the property off your hands. If there is an interested publisher with a firm offer already in place, then you have three ready options as far as an entertainment attorney is concerned.

Most entertainment lawyers would be more than willing to jump into the back end of a negotiation and pick up profit for the official closing of your deal. In most cases you can choose between paying an attorney either an hourly rate or a negotiated percentage of the overall deal. A third alternative is to pay a willing attorney a flat rate for the minimal services rendered in negotiating a first time deal. This last option might be preferably in your case, as your needs are likely less time consuming and a flat rate might remove the temptation for a greedy attorney to pad his bill.

But even better than a flat rate for an inexperienced writer, this situation might prove the ideal opportunity for you to secure yourself a literary agent. You might want to consider shopping this "easy in" negotiation around to all the hungry agents that might be waiting in the wings. They'd be just as willing to pick up the slack on the deal and you might just end up furthering your career without having to pay a flat cent.