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selling it

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Want to be a screenwriter in Hollywood? Common wisdom tells you to read Robert McKee. But if you want to *sell* that screenplay, get advice from some of the best heavyweights in script sales.

PRE-SALES:

Robert Szymanski (Lawyer, Eclipse Law Corporation): Trying to get the studios to buy is like trying to seduce a beautiful woman who gets hit on all day long and has already heard every line in the book. You have to get them interested by coming up with a fresh and sexy approach, making them jealous by flirting with others, and threatening them with embarrassment if you get into bed with someone else and give birth to a multimillion-dollar franchise without them.

Mikkel Bondesen (Literary Manager, Bondesen-Graup): The spec sale is when all bets are off. A lot of specs come out every week. There is a push behind it that needs to happen. That means making sure people read it, making sure people are aware of who else is reading it, and making sure you are constantly supplying them with information that keeps their interest in the material. That doesn't take two hours, it's 24/7.

Szymanski: There are certain selling cycles throughout the year when the market is more active, and quite often agents and managers will actually time the release of a spec to coincide with the release of a similar movie everyone expects to be a hit. In a sense, you are riding the wave of the studios' own hype and selling it right back to them.

Marty Bowen (Literary Agent, United Talent Agency): I think people over-think that. For the most part, you want to avoid Christmas and August. There may be two weeks on either side of that. I don't do too much [prep]. I don't want to get heat six weeks before I need to, so that I have 30 people I don't want to give the script to on my phone sheet.

THE SELL:

Bowen: An agent really distinguishes himself through follow-through, helping [creative executives] create their sales pitch to their bosses,

written by **Michael Tabb**

illustration by **Christine McCaffrey**

THE HEAVYWEIGHTS:

MIKKEL BONDESEN, MANAGER BONDESEN-GRAUP

Bondesen moved to L.A. from Denmark seven years ago, co-founded a management company that represents some of the more prolific and high-profile writers and directors in town, and has produced two movies released this year, *Catch That Kid* at Fox 2000 and *If Only* at Intermedia.

MARTY BOWEN, AGENT UNITED TALENT AGENCY

This Texan represents and closes the biggest deals in town for clients including M. Night Shyamalan (*The Village*), David Self (*Road To Perdition*), and Alec Berg & Jeff Schaffer (*Cat in the Hat*). He was even turned into a character in client Charlie Kaufman's screenplay *Adaptation*.

ROBERT SZYMANSKI, LAWYER ECLIPSE LAW CORPORATION

An honors graduate of Harvard Law School, Szymanski launched Eclipse with a partner after cutting his teeth at prominent law firms with clients such as Quentin Tarantino, the Weitz Brothers (*American Pie*, *About A Boy*), Elliot & Rossio (*Shrek*), and David Franzoni (*Gladiator*).



trying to sell them on why it's a good idea. I liken it to a safecracker reading the tumblers, trying to figure out a way of opening the safe. You can't let them know that you're intimidated, yet at the same time you can't try to be a bully either. It's a lot harder to get a single offer than to get multiple offers.

WHAT ARE THE FACTORS THAT DETERMINE THE OPENING BID ON A SCRIPT?

Bowen: Oftentimes, the person will ask you for your client's quotes. If you do your homework as an agent, try and put them in a situation and say, "Well, you offered so-and-so this for that." Find evidence of someone who paid similarly to make your case.

Bondesen: You say, "Listen, we're willing to take it off the table for you, but we're still in play at six other places, so you gotta pay a premium to get this." It's all about what leverage you have that you can use against them. If [the writers] have worked at that studio historically, you want to say, "This person has done this and this for you

guys; you gotta pay him so-and-so much. These are his successes; these are his existing quotes. You got to at least honor the quotes."

ONCE YOU HAVE OFFERS, HOW DO YOU GET OTHERS TO STEP UP INTO A BIDDING SITUATION?

Bondesen: Information. The moment you have an offer, you let everyone know you have an offer, you're about to sell it, and they better get moving. Then you just sit back and let the phone ring until the right person calls. Never disclose what the offer is. Just say, "We have an offer," and see what they come in at. They always ask, "What did the other people offer? Did they offer mid-sixes?" and you say, "They offered quite a bit. You should probably offer us a little more than that." You want them coming to you saying, "How about this?"

Bowen: A very large part of it is damage control. If you have something everybody wants, you can

obviously only sell it to one person, but you want to use these same people to help drive up the price. They may be professionals, they may do this for a living, but they're only human. And inevitably, we get emotionally involved. You'd better figure out how to make that situation okay, or you may alienate yourself from a studio. I've actually been in situations where I have advised somebody *not* to put more money on the table. If for two hundred thousand dollars you may piss off a shitload of people, it may be the best money you've ever invested in your career *not* to ask for it. I've seen it happen where everyone [withdraws their] offers, and this house of cards that you've built comes crumbling down. Now you've got to figure out, "Can I beg someone to put an offer back on the table?" When you go to Vegas, you gotta know when to step away from the table.

Szymanski: Keep in mind that we are talking about a very small bargaining community, and everyone is a repeat player. Relationships and reputations are always on the line. It's okay to

negotiate aggressively, but lying and cheating can come back to haunt you, especially when the tables are turned and you find yourself begging the business affairs guy you just screwed to give your client a decent raise and you don't have the leverage to make it happen. In order to effectively represent all of your clients [rather than prevailing on just one deal], you have to maintain your relationships.

HOW DO YOU DECIDE ON WHICH OFFER TO ACCEPT WHEN THERE IS A CHOICE?

Bowen: Previous relationships, the interest in the material, the passion for it. When my colleague Andrew Konovis sold *American Beauty*, it wasn't so much the script price as about who Alan Ball thought could champion this piece of material. He said, "I'm not going with the highest bidder, I'm going with the *right* bidder."

Bondesen: It becomes, "Who is the right person for that writer to work with, given what [the career goal is]? Who has the biggest chance of getting the movie made?" One thing is selling the script, but what's really important is getting it made.

Szymanski: One way to ensure that the studio makes the movie is to do a "progress to production" deal, which means that you are imposing a time deadline on the studio to commence principal photography. If they don't commence in a timely fashion, you can take the project elsewhere and keep their money as a penalty.

HOW DOES THE AGENT WORK WITH THE LAWYER TO GET THE CLIENT THE GREATEST RESULTS?

Szymanski: Typically, managers focus on developing scripts, agents focus on heating up the marketplace and generating offers, and lawyers focus on maximizing the deal and negotiating the contracts. But the line can get blurred

depending on the personalities involved. A manager like J.C. Spink, for example, is more effective at selling spec scripts than 90 percent of the agents out there.

Bowen: Depends on the lawyer. What's nice about lawyers [is] they create another barrier. That's one of my little tricks. As much as I can, I empower the lawyers, so one can be a good cop and one can be a bad cop. You're then in a situation where you're helping the studio make their offer to the attorney: "He runs all this shit, but let me see what I can do to help you."

Szymanski: The lawyer/agent dynamic can vary greatly. Some agents, particularly those with less experience, feel more comfortable letting the lawyers do all or most of the talking when it comes to deal points. Other agents like to mix it up with business affairs. Obviously, relationships are key to any negotiation. If, for example, the business affairs guy is someone I've been tight with since law school, that can have a favorable impact on the negotiation. Alternatively, if I've had a very rough negotiation with a certain business affairs exec the week before, then it's probably going to be the agent's job to play good cop. You have to understand the variables at play and devise an appropriate strategy.

HOW DO STUDIO BUSINESS AFFAIRS FOLKS CONTROL THE BIDDING SITUATION?

Bondesen: Typically, with short windows of time—like 10 to 15 minutes, or an hour—they bully you, and that's their job. And they sit on the money, so they're supposed to bully you: "You have an offer; take it or leave it."

Szymanski: The agent and lawyer will say they need some time to confer with their client. Sometimes they will even call back and plead for another 15 minutes to reach their client. In reality, their client is already waiting on line two and the agents are scrambling to shop the offer. Because studios are extremely bureaucratic

"Your 22-year-old client quits working at Starbucks, starts dating a Czech model, and buys a home in the hills with a killer view."

and no one ever wants to take responsibility for any decision, sometimes the clock runs out, and you have to take the original offer. Other times, when there's a real appetite for the spec, rival business affairs execs are given deal parameters in advance and are ready to counter the moment they get the call. Sometimes, studios will explicitly instruct you not to shop their offer prior to the expiration of their 15-minute deadline, and if they hear you're shopping, they may actually pull the offer. If no one else steps up, you could find yourself with your pants at your ankles on a cold day. And with one less client.

Bowen: They'll [also] say, "We want to open an exclusive negotiation. We're willing to make an offer, but we want this negotiation to be exclusive." It doesn't mean anything. In my opinion, it means that you try to make a deal, and if for whatever reason you cannot make the deal, you send it to someone else.

Szymanski: Thousands of scripts go out to the studios every year. Most of them suck. When that rare gem comes along, everyone wants it, and bidding gets intense. Suddenly, your phone is lighting up like a Christmas tree, you're ducking calls, asking for seven figures, and turning the tables on the studios by giving *them* deadlines. Sometimes, in the frenzy to win, studios end up paying a couple million dollars for a script that they will never produce. Your 22-year-old client quits working at Starbucks, starts dating a Czech model, and buys a home in the hills with a killer view. ★