

General Facts for Movie Negotiation

Producer Louis Lovelace has been in the movie business for over 30 years as a porno producer. He is producing his latest feature film, "Derek Does Denver," which will be his crossover into Hollywood mainstream. He plans to purchase the rights to Tommy Clance's novel, "Marching on Time," and remake it into a full-length feature film.

Clance is a novelist who is in the prime of his career. His novel received quite a buzz after he appeared on Regis and Kelly two years ago and his novel was called the heart-warmer of the year. The book is about a young man's journey into adulthood. The book is quite vanilla, however, there is a sex scene in the novel. Lovelace has his own vision of the scene as does the young man set to star in the film, Hung Lee.

Lovelace would like to secure the acting talent of Lee because Lee is set to hit the stride of his career. Lee has been in a few Hollywood films and there is a rumor that Lee has what it takes to be the next great heartthrob.

Since Lovelace's production company also has a distribution arm, Lovelace has already secured contracts with a variety of theatres around the country. The question remains, however, which talk shows will be used to promote the film to viewers. Late night shows like David Letterman and Jay Leno are in the mainstream promotion circuit.

Bad-boy Howie Sterno, however, has generated quite a following of viewers. The talk show is set on a King-size bed and the decorative theme changes from week to week. Last week's set was entitled "Marchiano Morrocco": a bed cast with several colorful pillows and lavish fabrics underneath thousands of Marchiano cherries. Sterno conducts interviews from atop the mattress and likes to act out movie scenes with guests.

You, as the attorney/agent, have been called to a round table discussion regarding the production. All of the following elements must come together to work out the terms of the contract specifically:

1. Compensation
2. Creative control: who will control the content of the controversial sex scene
3. How the movie will be publicized: which talk shows will be used

Since you are quite the savvy Entertainment Attorney, you are well aware of the industry standards in these sort of Hollywood negotiations. However, you are also aware that these standards are just to be used as a jump-off point.

Compensation: Producers retain about 80% of the profits. Actors retain 5% of profits, plus some perks. Writers retain about 10%.

Creative Control: Well known writer can retain some creative control in the sale of rights, but typically, producers aim to get ALL creative control rights. The producer's bargaining power usually outweighs the actor. Actors are afforded some flexibility in performing scenes, especially if the actor is well-established.

Publicity: Producers typically make the call over where and how the movie will be promoted.