

Business of film



Agents, Talent Managers and Entertainments Lawyers

Finding representation to
advance your writing career

by Michael Barmish



Introduction

For years, the traditional representative for the screenwriter has been the agent. Recently, however, talent managers and lawyers have played an increasing role in helping screenwriters, not only on the legal side of the business, but on the artistic path of providing advice and guidance.

But what are the differences between an agent, a talent manager and a lawyer when it comes to the business of screenwriting?

Which is the best option? And, what is the best way to pursue representation? In this guide, we'll explain the differences between each expert and examine the various options available to you.

Who's who in representation

The Agent

The agent plays the middleman between the writer and those who pay for a screenplay or hire for a writing position -- be it for an adaptation, a rewrite, a position in a TV writers' room, etc. Their job is to solicit and negotiate work for you, the talent, and in return, receive a commission (usually 10-15%) on your earnings. Most are required to be licenced and are legally the only form of representation allowed to obtain work on the writer's behalf.

For this reason, agents cannot produce or hire their clients' work as this presents a conflict of interest.

In most cases, agents have legal expertise, meaning they will be able to draft or supervise

the contract between you and the producer. With an agent, you may not necessarily need to find a lawyer to validate a contract until you become more established in the industry. At that stage, like many well-known screenwriters, you will want to consider hiring a lawyer.



Many agencies have several agents. Each agent may have a roster of many different types of talent (actors, directors and screenwriters). For this reason, they may not be able to devote the same amount of attention to everyone on his/her roster of clients.

The Talent Manager

Talent managers are unregulated entities that act more as a provider of career guidance, as a “personal coach” if you will.

A manager will take on fewer writers than an agent so that they can work more closely with the writer in expanding and promoting his/her

career, the things an agent doesn't have time to do. This means helping to develop script material, reading drafts and giving feedback, offering valuable industry introductions and soliciting work, but not negotiating.

Because talent managers are not regulated, many management companies can have production divisions where they will often package their clients (writer, director, acting talent) in their own projects. For this service, managers take a commission of 10% of the writer's project fee.



Talent Managers are very popular in Hollywood but also gaining popularity internationally.

The Lawyers

While entertainment lawyers do have industry contacts and may promote a writer for a writing

job, his/her primary function is the negotiation of contracts. Writers with a manager only--or no representation-- will often have a lawyer negotiate a contract for them. This service is either billed at an hourly rate or as a percentage (often 5%) of the negotiated writing fee.



It's important to check with an entertainment lawyer and ask how they bill before securing their services. Some prefer an hourly rate while others prefer a percentage of the deal. This all depends on how lucrative the deal is. Expect lower paying writing contracts to be billed at the hourly rate.



It's always better to hire an entertainment lawyer than a standard contract lawyer with no entertainment industry background, as the entertainment lawyer most likely has more experience with negotiating writers' contracts and producer language.

In conclusion, talent managers and agents are the primary experts you will want to seek out who can help you in finding your artistic path. Let's have a deeper look at what each can bring.

First things first

When do you look for representation?

Whether it's an agent or a manager, you cannot expect to gain representation unless you have a strong body of work. For the unproduced writer, this means having several spec scripts already written and polished to the point where they are ready to impress professionals. Having only one spec written is too early to start looking for an agent or manager. That's not to say it's

impossible—indeed, winning or placing highly in a major screenplay contest with a first spec will get you noticed. But, if you pitch an agent or a manager, chances are they will ask what other scripts you have written. More likely than not, having written only one spec will get you a polite “thanks, but no thanks.” Remember, they want a professional writer if they are going to put the time and effort to promote you to decision-makers.

Again, there are exceptions to this. But it’s important to be prepared. If you’re fortunate to get the ear of an agent or manager, first impressions are everything. Have the body of work to back you up and let them know you are a serious professional with impressive skills that will earn both of you a lot of money.



One important step you can take before even beginning the search for representation is to enter one or several of your scripts into major screenwriting contests. Winning, or even placing highly, creates a great deal of “buzz”

about you and your script, which will open doors to getting meetings with agents and/or managers.

The next steps

So, now you're ready to begin the search for an agent or manager. You've got a couple of impressive spec scripts in your pocket. What is your next step?

Agent or Manager?

Of course, your location may have a bearing on your decision. As previously mentioned, management companies are a major cog in the Hollywood machine. Managers are powerful and can make a writer's career without having an agent. Many UK agents fulfill the role of a manager as well in offering closer career

guidance, but there are small management companies starting to specialise in manager-only services. Look for this to become a growing trend.

But before you even begin the search, take stock of who you know in the industry who might be able to do an introduction. Agents and managers are bombarded with email “query letters” from writers seeking representation. Building relationships in the industry is key in that you may get a qualified introduction directly with an agent or manager that allows you to cut through the cacophony of unknown writers.



A query letter is an email (no snail mail) that introduces you and your project to a prospective agent or manager. They should contain a direct salutation (a name and not a generic “To Whom It May Concern”, the logline of your script (if you choose to include a synopsis, make it as concise as possible), and a little about your writing background,

highlighting any achievements in screenwriting (options, contest placements, etc.).



Do not send the script with a query letter. Only send it if they respond requesting to read it. When sending the script, always do so as a PDF file.



Most agents, especially with larger agencies, will manage one type of talent. However, an agent at a small agency may handle multiple talents (actors, writers, directors). This can create an advantage to the writer in widening the scope of his/her network and increase the opportunities to partner with other agency talent on various projects.

Starting your career with a talent manager

Given the option, many new writers choose to seek out a manager first. Why? In general, a

manager will take a more personal stake in the writer's career.

The “hands-on” approach of the manager is often more beneficial to newer writers as the manager is more of a coach than a salesperson. They'll read your scripts, give you feedback, design a roadmap for your career. And, once you have some success, they'll help find you a great agent.

The agent is more into the “sales” business, where generating revenue is the primary goal. Mitigating risk is important to them. This makes the competition tougher when it comes to being put up for a writing job. If they have a stable of writers and a handful consistently get the work, the agent is more likely to promote those writers for jobs than a writer with no track record.

To help you in making your decision, it's important to differentiate the expectations of what an agent provides versus a manager.

What To Expect From an Agent

An agent creates relationships with many producers developing projects for broadcast television, Netflix, Amazon, cable TV and studios, among others. They have their finger on the pulse in terms of what projects are up-and-coming industry-wise.

An agent's job is to promote your work among their network contacts. Their primary goal is to sell you and your writing services. Here are the key things to expect from your agent:

1. Getting your spec script(s) read by producers.
2. Having you hired for a TV writers's room for a series or soap.
3. Pitching a TV series idea that you have developed.
4. Getting you work as a ghost screenwriter on a project.
5. Finding rewriting opportunities for projects where producers seek a new vision.

6. Securing you dialogue polishing/rewriting work.
7. Putting you in contact with a director with whom you could team up.
8. Negotiating a contract to get you the best deal.

Once you get hired for Job A, you'll want to start on Job B, as you should always be thinking about the next opportunity. This is how you can make a name for yourself in the industry. Things can go pretty fast.

You also need to be proactive. Suggest new ideas to your agent. Keep abreast of who's doing what in the industry. Always have a new story to tell!



It's important to show the agent you can adapt and are open to different types of work. Of course, the idea is not to change who you are as a writer, but showing flexibility will make you more marketable to an agent.



When you're first starting out, be prepared to submit a pitch or synopsis without being paid. The more you become established, the more likely this will change.

Getting an agent is not automatically going to create your career. The agent needs to continually believe in you and your work. Remember, they have other talent on their roster. So, there's always going to be competition for your agent's attention.

Agents are limited in the number of writers they can submit to a producer on a project. They will choose the ones who are the most productive and proactive. This is why it's essential to select an agent to make sure they don't already have too many screenwriters like yourself. Of course, a good agent will be up front with you at the start if they already have many similar clients. They're looking for a well-rounded group of writers with different styles and skills.

What can you expect from a talent manager?

A Talent Manager's job is to promote your talent among their contact networks. Here are the key things to expect from your manager:

1. Guiding and developing career strategies by helping to develop your scripts, give you notes, and get you introductions to key people who can help you get hired.
2. Handling promotional opportunities. Even as a writer, it's important to stay on people's radar. This means promoting you for interviews, getting on industry panels and other appearances.
3. Packaging your project. Managers are sometimes producers themselves, especially those with larger management companies. Thus, your script may be packaged with a director and actors also repped by the same company.
4. Finding additional representation. This may be in the form of an entertainment

lawyer as managers may get involved with negotiations but are not the final arbiters. And, it may be to find you an agent. While some writers utilise only a manager throughout their career, some choose to have both.

They're interested

Here's a checklist of things to look for:

1. Who are their clients? Find out how you fit in. If you write comedy and they have a large number of comedy writers, ask how you can expect to be noticed and put up for jobs as they come in. It doesn't do your career any good if you're always at the bottom of the list.
2. What are their successes? This really applies to the smaller, boutique agencies and management companies. Make

sure there is a track record of success, especially for the type of writing you do.

- 3.** Do they want to change you? Make sure the agent or manager wants to play to your strengths and has a clear vision for your career that coincides with how you see yourself as a writer.. If you write drama, but they want to steer you towards action or horror because those scripts tend to sell more, that should be a major concern.
- 4.** How passionate are they with your writing? This comes back to your body of work. You want to make sure it's not just the one script that got you signed that is what drives the agent or manager. You're in it for the long haul. So make sure their passion is for your career and not the one script.

Conclusion

Getting an agent or a manager is a huge step in your career. It will make you feel more “legitimate” and give you that necessary stamp of approval. But it’s important not to solely rely on them as they have many other clients to serve.

While being signed by a manager or agent will add credibility to your CV and increase your chances of being hired for a project, continuing to network and find producers interested in your work is still an important part of the process.



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