
Time Risk
Screenwriting Column 55
by Terry Rossio

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TIME RISK

Understanding time risk goes a long way toward understanding Hollywood.

Particularly the power structure of Hollywood.

The phrase 'time risk' should be standard industry lexicon, as natural as discussing script notes, gross points or step deals. The phenomenon is particularly important for screenwriters, as the job naturally pushes them to the wrong end of the time risk curve.

Here's how it works: to have a career in Hollywood, put as little of your time at risk to get a film into production as you can. Instead, get others to invest as much of their time, to your benefit, as possible.

In other words --

Spend as much time as you can making films, rather than trying to get films made.

This is, of course, exactly the opposite of the common day-to-day activities of a screenwriter. As Shrek might observe in a moment of supreme obviousness, "Well, that explains a lot."

Collective Risk

I got into a heated debate over this concept one day, with a producer named Jake. Jake the producer wanted to attach himself to a spec screenplay and shop it around town, but didn't want to pay any option money. "How is that fair?" Jake asked. "We both risk our time. She risks time spent writing, I risk time spent producing. If it sells, we win. If not, we lose. We're equal. Why should I also give her money?"

Jake was not a dumb guy, and not malicious, he sincerely believed his words. Took me about the blink of an eye to see the flaw in his argument.

"The risk is not equal," I said.

"It is exactly equal."

"How many other projects do you have?"

I had caught him off guard. "What does that matter?"

"How many?"

"Maybe twenty," he admitted.

"If you say twenty I'll presume it's thirty," I said. "And each project has a writer?"

"Yeah."

"So you've set yourself up with thirty chances to succeed, to get a film into production. All you need is for one of those projects to get picked up, and you have a career. My writer has just one script with you. One chance. You've hedged your bet thirty times over. Your success is almost certain. In a sense, you're taking no risk at all. Surely not equal."

"Not sure I agree with that."

"Let me put it another way. She spent a year writing this one screenplay. She was exclusive to the project for that whole year. Are you willing to match her, and be exclusive to her project, for a year?"

"No way."

"Then you won't mind it if she gives the screenplay to twenty-nine other producers, right now, to give herself thirty chances at success, like you've given yourself with thirty other writers?"

He took a second to work that through. "But I have to work on all thirty projects. She works on just one."

"She works full time. You work full time. That just shows your work takes less effort. But let's talk about that. When you produce a film, how much of your work is speculative? Meaning, you do it before you know you're getting paid?"

"Plenty."

"I'm sure. But what percentage? At the start, you make calls and attend meetings. Pitch the project over lunch. Send out the draft. Do some packaging."

"That can go on for months."

"Right. But I bet ninety percent of your work is after you're hired."

"Maybe."

"So most of the time when you work, you have a deal in place. How about we change that? How about we have you set up the film, secure financing, sign cast and crew, get through production, post, deliver the finished movie, oversee marketing and distribution, the whole thing, do the entire job of producer. And then have someone decide whether to actually hire you, give you the career-enhancing credit, and pay you. Or maybe not. You won't know until your work is done, putting all that time

and effort at risk. My writer is doing that, so match her. Since, you know, the risk is exactly equal."

He was quiet. I don't know if I had won a point or he was just working it through.

"And that's not the worst part." I was just getting started. "At what point does the writer take on risk?"

"When she gives me her screenplay."

"Hah."

"When she writes it, of course."

"Yep. When she faces the blank page. Not knowing if there will be any reward. At what point in the process do you take on risk?"

He was sort of getting into it. "When I take the time to read it."

"Yes! Is the screenplay great?"

"Huh?"

"Is the screenplay great?"

"The screenplay fucking rocks."

"Or we wouldn't be having this discussion. And you knew it rocked because it was recommended, and it got recommended because it was already written. And now you know it rocks because you've read it." I was reasonably certain the producer had only skimmed the coverage, but I wasn't going to call him on that, though it would have advanced my point. "The risk you take on, going forward, is mitigated because she wrote it on spec, so you can see exactly what you're getting. You get the risk-protection of dealing with a known quantity. She doesn't get that. She has successfully accomplished her job. We don't know if you can accomplish yours."

"Hey, I have a track record."

"How many of those thirty projects you have are going to get made?"

Again the silence.

"But it's worse than that. At the point of sitting down to write, there was no way for my writer to know whether this particular story was going to work. She set forth on faith alone. So did thousands, tens of thousands of other writers around town, none of them knowing whether their stories would pan out, or even whether they could finish, or whether they could beat out the competition and have their work land on your desk. Her screenplay turned out great. But at the start, who knew?"

"Hmn," was all Jake could say.

"So -- you not only gain the value of the time my writer put at risk, but also the risk of every other writer who sat down to face the blank page around the same time, most of whom came up short. It's like having everyone play the lotto, then you call the one person with the winning ticket. At the start it's a giant risk-pool, and all that collective risk is represented by this one winning screenplay.

"And that, Jake, is why you are going to pay some option money here."

Producers

There's a classic joke, "How many screenwriters does it take to change a lightbulb?" Answer: "Does it have to be changed?" (As Homer Simpson might say, "It's funny... because it's true.")

Time risk is at the heart of that joke. When notes are given, the producer says, essentially, "You've put a lot of work into this draft, thank you, but I would like you to risk some more of your time and effort, in order to elevate the quality of the material, make it shine a little more brightly." (Please change the lightbulb.) The writer answers, "Appreciate that, but I've put in quite a bit of time and effort already, and that light seems to be shining just fine, and as lovely as your suggestions might be, I am unsure they will result in a higher wattage bulb." (Does it have to be changed?)

Prior to about ten years ago, this is where option money or development money would come into play. ("I recognize your time is valuable, here's ten thousand dollars to make those notes look better.") That practice has gone the way of the phone booth, lawn darts, and budget surpluses. Today, the compensation for executing notes is a chance at further promotion. ("In exchange for you writing a new draft, I might support the project in an effort to find a buyer, if I like the changes.")

But let me quickly say --

Time risk is not a screenwriter-versus-producer conflict.

Producing a film is hard.

Harder than anyone who hasn't produced a film can imagine. You must fight intense competition while dealing with artistic savants and type-A egomaniacs in the pressure cooker of big money and potential fame. As David Thomson said, "To bring a film to the screen is to wrestle with monsters dressed as clowns."

Regarding time risk, producers are in the same boat as screenwriters, one film produced does not guarantee you get to make another. Which is why producers are forced into the many-irons-in-the-fire, let's-do-lunch, have-my-people-call-your-people approach. You go right back to the starting line (albeit with actual gross points checks to sustain you).

Two anecdotes --

I was very much affected by a conversation I had with a producer friend, Ricardo Mestres, former head of Hollywood Pictures. His main woe regarding the film industry was the ease with which projects could fall apart. "You develop the script," he said, "land the hot director, somehow get a star to commit. Fit everything into everyone's schedule, negotiate all the contracts. The studio needs the picture, you overhaul the budget, claim the release date, force all those stars to align, and in the eleventh hour, someone backs away, or an executive gets fired, and the opportunity is gone. All that time spent, with nothing to show for it."

I remember thinking at the time, wow, if a former studio head, with all the charisma, ability and connections in the world has this frustration, it must be really, really hard to get a movie made. Projects have a trajectory, like a missile headed skyward. If you don't reach escape velocity (first day of principal photography) and the missile begins to tilt over and fall back to earth, rarely does it recover and head upwards again.

Second anecdote --

Jerry Bruckheimer. A meeting on the project *Deja Vu*, where Tony Scott was about to be hired as director. Completely the wrong choice, in that Tony had stated he had no interest in making a science fiction film, and suggested the time travel aspect be dumped. (*Deja Vu* is a police procedural where the investigators have access to a technology that can look four days into the past.)

My hope was we had a screenplay that could be the next *Sixth Sense*. Tony wanted to make just another also-ran surveillance film.

Jerry acknowledged there were issues with Tony, but wouldn't budge on his choice. "I have a director, a script, a star, and the studio giving me a green light," he said. "It's not my job to not make movies."

It's not my job to not make movies.

So beautifully stated. From my point of view, he was Jerry Bruckheimer, he could get any film made, anywhere. Jerry Bruckheimer saw the situation as a bird in the hand, and that's how he became Jerry Bruckheimer. He told me, "If I blow this up, I can't honestly tell you if the film will ever get produced."

Shocking.

But Jerry was following the rule: spend time making films, not trying to get films made.

Directors

Directors are different, regarding time risk.

In one sense.

As a director, if you oversee one hit movie, you will absolutely, positively, assuredly be given the opportunity for another produced film. Perhaps more than one. Go pictures with budgets and distribution.

That's huge, in the framework of time risk. You get to spend time making movies.

Of course, they might not be the films, as a director, you would care to make. And any one project can fall apart. But when asked, "What's your next film?" a director usually has an answer, as they move from one production to the next. For a screenwriter, that can be an awkward question, as the response is often some hemmed-and-hawed variation of, "Well, I've got this rewrite I'm working on, plus a spec, and we're going out with this pitch, based on a book, and there is this draft that's out to directors, etc." (Spending time trying to get films made.)

Friends and family look confused, or annoyed.

Don't you have the golden ticket?

Aren't you perpetually working?

Where's your next movie?

(A digression, I know many readers at this point may be highly irritated. "Give me a break, I'm trying to make a first sale, worrying

about a next film, or a career, is a high-class problem!" Fair enough. But bear with me. It's important to understand the feature film power structure. And you ought to know the nature of the success you pursue, to determine if the effort is worth, well, the time risk.)

For a director, time risk is alleviated by the hit film. Direct a flop, and even the most talented director lands in movie jail, for a time.

At the other end of the spectrum, if you're a director with a string of hits, you gain the ultimate cachet, a film happens because you choose for it to happen. You gain the power to green light yourself.

Time risk, obliterated.

This level is granted to very few: Cameron, Spielberg, Nolan, Jackson. They move from one go picture to the next. The strength of their brands rises, in a virtuous cycle, as long as most of the films make money. (Some producers reach this level, and a few movie stars, but notably, never a screenwriter.) You can talk about the next Steven Spielberg film in a way you can't talk about the next Michael Arndt film.

Short of that level, for the average director, lacking a recent hit, production can be as elusive as for a producer or writer.

I recall a conversation with director Joe Dante, in pre-production on the set of *Small Soldiers*. "So why did you pick this project?" I asked. His answer always stuck with me: "This is the film they're letting me make now."

This is the film they're letting me make now.

So there he was, on set, making a film, holding time risk at bay.

Which, by the way, illustrates a key aspect of the psyche of a director -- the manifest need to take action. Most directors cannot tolerate down time. They need to shoot, if not a film, then a commercial, if not a commercial, a music video. Or a documentary, or a short film, or test footage. Or they will open a winery, or paint, or dive into the Atlantic and locate the Titanic. Directors thrive on action, and innately embrace the mindset of doing, not waiting or hoping. I can't imagine James Cameron writing a screenplay, sending it around town, hoping to get a break. That's not in his DNA. (Reportedly, Cameron saw *Star Wars* and got really angry. Envious that someone else got to do that. If anyone was going to get to do that, it would be him. He vowed to make films, and started by experimenting with lenses, even going so far as, with his brother, tearing them apart and designing his own.)

Directors exhibit an intolerance for delay that screenwriters would do well to emulate. We know the names of Cameron, Spielberg, Jackson, Tarantino, Nolan, because they each took a look at the lay of the land, those piles of unread and unproduced screenplays (trying to get films made) and kept walking, until they found the land of making films, the ground littered with maxed-out credit cards, second mortgages, and empty boxes of Top Ramen.

Ironically, the common strengths of the screenwriter-type (attention to detail, delayed gratification, endless optimism) can work against advancement in Hollywood.

Directors are often brash, attention-deficit, and fearless. Screenwriters, kind of the opposite.

You can polite your way into oblivion.

You can optimistic yourself to fifteen years of a non-career.

Screenwriters often ask me how to break in. "Start your own animation studio, in your garage," I suggest. I do this partly for the shock value, as that task puts the responsibility for action squarely on the shoulders of the writer, and doesn't let them defer to someone else. To create an animation studio, all you need is a kitchen table, a camera with the capacity to shoot single frame, some clay and lots of patience. (Or nowadays a computer, some expensive software, and lots of patience.)

I know, most writers rebel at the thought of constructing their own means of production. It falls outside their skill set, and their temperament. They have the ideas, if only someone else would do the work. Part of the attraction of writing is the validation of acceptance.

But my animation studio advice is good advice, because it emulates the director's willingness to take action. Consider that on the screenwriting path, you can spend years learning the craft, creating multiple drafts of various projects, and put yourself in a brutal competition with a hundred thousand other writers, in the hopes that someday, somebody, somewhere, will adopt your vision and make your film the way you would like to see it made, or perhaps just as likely end up with nothing.

Or, with an animation studio, you could expend an equal amount of effort and time -- probably less -- and know for certain that you will have a movie at the end of your efforts.

A time risk analysis would suggest, choose the latter.

That's what a director would do.

Actors

Nowhere is there a greater gap between high and low, esteemed and ignored, worshipped and scorned, as with the Hollywood screen actor.

On the high end, the movie star stands at the summit of Hollywood power (joined only by a handful of billionaire movie moguls).

On the low end, for the yet-to-be-discovered thespian, the audition process is brutal, the time risk profound. Each opportunity is a one-off, and requires discovering the role, gaining an audition, study, preparation, scheduling, driving across town, performing, and then too often rejection, disinterested silence, even disdain. And then repeat for years, decades. The cliché of the starving actor waiting tables for decades is real.

How does this disparity come about?

And how do certain actors ascend to such heights?

Time risk gives the answer.

An actor in the lead on one hit film can immediately book work on multiple additional greenlit films. That is monumental, like hitting the lottery five times in a row, an entire slate of new produced work, completely free of time risk. And if just one of those new projects is a hit, the actor can immediately book more gigs, of even higher quality. A potential glut of non-time risk bookings is available to actors, and actors alone. Check out the IMDb page of actor Samuel L. Jackson compared to, say, writer John August. Or any popular actor, against any highly

successful writer. The ratio of produced films is ten to one -- in favor of the actor. (Which is why actors -- rightly so! -- are so focused on that initial signature role, the big break.)

A further explanation for this ratio: when an actor commits to a film, the time commitment per film is limited, relative to the other trades on set. The actor commitment is measured in days, weeks, sometimes months, but rarely years.

This allows the actor to book multiple gigs over the course of a year (making films!) and facilitate brand creation.

Whereas writers, producers, directors invariably incur a longer time commitment. Throw in a few false starts, and there can be a gap of years between films.

Another key advantage for the working actor: when an actor works, the cameras are rolling.

Nearly always.

The actor arrives on set on after a whole line of individuals have collectively put years of time and effort trying to get those cameras in place. (Remember the Hollywood power rule, get others to spend their time trying to get films made. While you spend your time making films.)

Writers and producers often do the majority of their work with the cameras snug in their form-fitting foam cases. Actors get paid when cameras roll. And it's only when cameras are rolling that power accumulates, and brands are established.

At the high end of power, an actor may be granted tacit green light power, where a project gets made because the actor makes the commitment. In the indy world, this can result in a Catch-22, where a project gets financed if a star commits, but the star won't commit until the financing is in place. (In some cases, top actors mitigate time risk even more, by requiring a reading fee. An actor is paid simply to read your screenplay and consider the role, whether or not they take the part.)

Now I will hasten to add, as with directors, top movie stars will get offers to work, but not necessarily the work they desire. The great equalizer, actors are at the mercy of the quality of the roles that come their way.

And each other -- the competition is fierce.

And for female actors, the time risk considerations can be particularly brutal, considering the well-established Hollywood bias toward youth.

All told, these elements conspire to create the vast power gap that occurs among actors. It's famine, or feast. Anonymity, or brand power. With brand power comes Hollywood power, and a miracle happens.

Time risk dies.

You don't have to go seek go pictures, the go pictures go to seek you.

Agents

Agents are not producers.

I have to tell myself that over and over, because I tend to forget it.

Agents are not producers.

Your agent does not lie awake at night churning strategies on how to get your screenplay produced. They are not going to pull together financing, or put together a production team, submit your screenplay to actors and make follow-up calls to see whether it's been read and whether they will commit. Remember, it's the producer who makes cold calls and attempts to create something out of nothing. The agent manages heat, maximizing the payoff when a project or writer generates interest.

In other words, they make deals.

Any time an agent spends not 'making deals' (their version of 'spend your time making movies') is added time risk for them, and they know it. Reading submitted scripts, promoting projects, sending screenplays out to be read, following up... they'll do it, but only up to a point on a cold project, no top agent can afford to budget a large portion of their day to time risky work.

Occasionally an agent will act as a producer, out of pure passion for a screenplay, and take on the added responsibility to muscle a project through turnaround, or put together an elements package to promote a script that has been passed over, etc. Those instances have to be few and far between, or the agent won't survive as an agent for long.

Screenwriters

Finally, we arrive at the Hollywood screenwriter.

Let's examine the careers of several brand-name feature screenwriters, to see how they did it. In the same way we can speak of a Stephen King novel, or a Neil Simon play, we can talk about the unique qualities of a Woody Allen screenplay --

Whoops, wait. Allen is best known as a director.

Okay, how about a Lawrence Kasdan script --

Whoops, same thing. Kasdan gained fame, even for his screenwriting, through directing his own work. Let's see, James Cameron, George Lucas, Christopher Nolan, Nora Ephron, Coen Brothers, John Milius, Cameron Crowe, hmn --

Wait! A Charlie Kaufman screenplay.

Thank goodness for Charlie Kaufman, or I wouldn't be able to think of a single brand-name screenwriter working today, who didn't make their name primarily through directing. Okay, perhaps Aaron Sorkin, but he made his main fame in plays and television.

Why so few?

Because -- screenwriters do the bulk of their work prior to the green light. Cameras not rolling. Trying to get films made. They toil at the wrong end of the time risk curve, taking on time risk in a myriad of forms.

And when I say myriad, oh my, when I started writing this column, I didn't realize how myriad myriad would turn out to be.

I will try to catalog them all.

It's a long list.

#1: Death by Sale

The day you sell your screenplay, you gain a small real chance it will be produced, at the same time almost guaranteeing that it will never be produced. Put another way, the same screenplay, unsold, has a much better chance of reaching the silver screen than it does when purchased by a studio.

You will likely rebel at this thought, as it is not only bleak, but counterintuitive. The studio deal is a necessary step to production, yet still reduces the chance of production.

How the hell can that be?

It reflects the realities of the Hollywood system. Screenplays are rarely bought to be filmed, as-is. Instead, they are purchased (or optioned, or commissioned) as a component to a potential future film package -- in other words, director bait, actor bait, producer bait. (Even, 'screenwriter-with-more-impressive-credits' bait.)

Selling a screenplay represents the exchange of all future positive outcomes of a project for a single, often unlikely, current scenario. You throw in with a particular set of players, at a particular time and place, with a particular set of restrictions and parameters. (For the Star Trek fans out there, it's a little bit like Spock in the shuttlecraft dumping the last of his fuel to give the Enterprise a chance to spot him and use their tractor beam.) You must expose the project to real issues and unpredictable setbacks. Maybe there's an executive who will demand a rewrite, then lose his job; maybe there is a star who will become attached, then unavailable; maybe the studio will have a string of flops and have no funds left for production; maybe a director will come on board, insist on a revision, that then kills the project, etc.

"The day you sell your screenplay is the day your project dies." I came up with this phrase years ago. Projects often stall after a sale, as the path forward is restricted by the current state of that one particular buyer. If that opportunity fails, for any reason, then you're stuck in turnaround, with a tainted property.

And all those potential future opportunities are locked away into alternate universes.

I had a conversation regarding the perils of selling with producer Ram Bergman. He related to me a declaration he made to his filmmaking partner, Rian Johnson (writer-director of *Looper*, among other films). Ram said, "I told Rian, I simply will not let you sell anything you write. Ever." I was shocked, and pressed Ram on the idea. He elaborated, "On our own, the more we put it together, script, cast, producer, the more effectively we can dictate how it gets made. Not sell the script, and lose the control, and be in a turnaround situation. It's common sense."

What does this tell us?

It would be really good to get a producer like Ram Bergman on your team.

Ram would not tolerate the high risk, low payoff (and psychic pain) of a studio sale. "Why do it, for the money? How much do you need?" Better to

prioritize a productive lifestyle, he emphasized. "I want to work only with people I like, on projects I love. And writing a project is hard, it cannot be thrown away." His advice -- sell the screenplay, transfer the copyright, the day cameras roll, not before. Ram spoke with the certainty of remembered pain, "I don't want to develop projects," he said, "I want to create films." (Spend your time making movies...)

Ram was shrewd enough to avoid the number one screenwriting trap -- death by sale.

Because the screenplay sale is the Holy Grail, it is very difficult to appreciate you're also taking on risk. There is a thrill, sense of power, excitement and immediacy to the opportunity before you. Suddenly you have a real chance. Hard to balance that against all cumulative unknown opportunities of next year, the year after that, and the decade after that, etc. But suffice to say, there are many, many times when a screenwriter concludes, "I wish I hadn't sold the project to those people, at that time." They wish they could have the screenplay back, when later, new connections, new opportunities arise.

Too late. The sale is where you give up control of your project's destiny, to the efforts (or non-efforts) of others.

You shove your time risk chips forward, all in.

Good luck!

#2: Getting Fired

I have a screenwriter friend who has a terrible time with procrastination and making deadlines. It's not writer's block, and he knows the exact source of his woes. "As long as I don't turn the draft in," he says, "I know I'm still on the movie." He likes being part of a team, he likes to think his ideas have value, and he likes the feeling of not being unemployed.

And he knows, once a step is completed, and the draft delivered, that might be the end. Even if they love it. It's strange to be in a room with a couple of producers, director, star, a studio executive or two, an assistant, and everyone is there because of the project you created or the draft you wrote, and the only person in danger of losing their job is -- you.

The writer. Often, the creator.

Anyone else can choose to be unprofessional, unprepared, ill-mannered or even inept, and they're going to keep their spot on the movie. Conversely, the writer can do no wrong, and be shown the door.

Sometimes, the danger is doing everything right.

As my friend Bill Marsilii points out, "I've been amazed to discover how often the better I do my job, the more likely it is I will be replaced. A merely serviceable draft of an okay idea is not likely to land a top director with the power to demand an entirely new story or fire the writer on a whim. But if I write a killer script that directors are fighting over, the work attracts a top director who can walk in on Day One and say, "I want my own writer," or "Cut the time window."

The latter is a reference to the film *Deja Vu*, which provides a case in point. At one point, director Tony Scott quit the project and it was up to the writers (Bill and myself) to undo the damage, so that Denzel

Washington wouldn't quit, too. (Bill learned from an agent at ICM that Denzel had been planning to leave.)

So we spent two weeks pulling all-nighters to fix the script, and when we were done, the revision was deemed so good that not only did Denzel re-commit, he called Tony and talked him into coming back on board. Reportedly Denzel made Tony look him in the eye and swear he wouldn't quit the movie again. Tony said yes, but on one condition --

He wanted to bring on his own writers.

Of course.

The danger is particularly acute on a project after receiving notes from the studio on a draft. The way Bill describes it, "Up to that point, everyone is on the same team. But then the notes come in. And it's like the producers get up and move to the other side of the table, with the studio and even the director. And I'm sitting there, suddenly alone. Will I make the changes? Will I make the changes to their satisfaction? If the answer to either question is no, then I'm off the project, but they continue on."

Needless to say, when you're fired from a project, after several months or several years, all that time risk is lost.

I parted ways from The Lone Ranger when I couldn't agree with the director's new version of the lead characters. I was let go from Masters of the Universe when a director was hired who wanted to write his own revision. When Jan de Bont was fired from the 1998 Godzilla film, we were off the production as well, and the new directors wrote an entirely new screenplay in a couple of weeks, and that's what made it onto the screen.

The irony in each case, the well-designed screenplay was the element that convinced the studio to move forward and "go out to directors."

The experience can be emotionally excruciating. You write an original screenplay, execute revisions for a year or two, but when it finally goes into production, you're not invited to the party. Bill came up with this image: You're standing on the other side of a chain link fence, and in the distance you see this amusement park, all lit up under the stars, and you hear the sounds of laughter and the people screaming 'whooo' and 'whee' as they ride the rollercoaster that you designed, but you're not allowed to go over there and be a part of the fun.

Yes, it might be obvious for me to point out that screenplays get re-written, and writers get fired. But consider the practice in the context of time risk. Think of all the writers who executed drafts of the fourth Indiana Jones picture over the eighteen-year gap between films (including a personal hero, Frank Darabont). All the writers who worked on A Princess of Mars over the years (at one point, seemingly half of Hollywood, including myself). All that time and effort spent, and then spent again.

Directors rarely have their pictures re-directed, actors rarely have their performances re-acted, producers rarely have their films re-produced.

But writers get replaced, and re-written, as the norm. And, once your writing is re-written, authorial vision is brought into question. Which leads us to --

When you do get replaced, say hello to credit arbitration. And credit arbitration can mean no credit, and time risk lost. Consider this excerpt taken directly from the Writers Guild of America, West pamphlet regarding the rules of the screenplay cover page:

The name of the first writer shall appear on the cover page. During development, the name of the current writer shall also appear. Upon commencement of pre-production, all writers must be listed. (Once writing credits are determined, only the name of the credited writers appear on the cover page.)

There's something a bit chilling, to me, in how casual that instruction lands. It states with cold-blooded clarity, yes, we know and recognize all writers involved when it comes to designing the title page, but after arbitration, time risk pain will come.

The way it is set up, the WGA becomes an effective brand killer of screenwriters, as WGA policies are designed (in some ways) to present false credits to the public.

False credits are promoted to be in the best interest of writers. The intent is to distort reality in a specific manner: limit the number of credited writers on a film to less than the number of writers who worked on the film, down to, ideally, one, with a limit of two (allowing for more than two in the case of a writing team or teams). Rarely will you see a film with three or four writers listed under the screenplay credit, even if three or four writers wrote the screenplay. Quite often when you see a single writer listed, multiple writers were involved. (In addition, the WGA also promotes a bias toward the first writer who creates a screenplay, over subsequent writers.)

The theory: by limiting the number of credited writers, the value of the credit is protected and enhanced. This could help writers create, preserve and enhance their brand.

In practice, the guidelines hurt careers.

Writers cannot afford to be forced into anonymity.

Implementing the current 'limited credits' agenda, the current system leads to some odd outcomes, hurtful to brand creation. For example, Ted and I received no credit on the film National Treasure (though we re-structured the film and were writers on set for all of production, the film features our scenes and sensibilities throughout). But we do have a legacy credit on The Legend of Zorro, due to being first writers (though our sensibilities were revised out of the movie). Thus, the film that could have enhanced our brand does not feature our names, and the film that lacks our work and hurts our brand retains our names.

When authorship is unclear, the chance to establish a brand is lost. You can't have fans of your work if fans cannot identify your work. And without brand presence, Hollywood power can't find you. It's potent to consider an actor analogy -- what if Jennifer Lawrence turned in a powerful performance in American Hustle, but credit on screen was given to Shailene Woodley, for her excellent audition, as part of some political agenda of SAG? No one would stand for it. False credits are accepted in no other arena of filmmaking.

Arguing in favor of limiting credits, the comparative example given is the proliferation of producer credits. Where the value of the producer credit is diluted, because there are so many. We don't want that, right?

Um. Actually, my feeling is -- we do want that.

Every one of those producers gains value by having their name attached to a hit film. This allows each of them to advance their career, referencing back to the credit. That's why they do it.

I've yet to learn of any tangible downside for any producer because there were other producers on a hit film. Also -- typically -- most screenwriting credit controversies involve expanding from two to three, or two to four, not all the way to fourteen or more, as with some producer credits. (Often there are practical limits regarding the number of screenwriters, built-in via the development process.)

Credit arbitration is a scary time risk issue, as the risk continues on past when it should be gone, and you can lose after you think you've won.

#4: Writing on Spec

Everyone writes on spec, now.

Not just writers attempting to break in. The pros do it now, too.

But let's start with that first group, the beginning writers. The numbers are daunting. Imagine all the screenwriting classes around the world, all the various colleges and universities, all the programs, all those students, then all the people working in the industry in various fields, and all the non-student self-taught writers, year after year, and I can easily get up to an estimate of 300,000 individuals committed to writing screenplays, and that seems conservative.

If each person has five decent film ideas, that's one and a half million total projects. Picture all that time risk.

Hollywood has the resources to produce maybe 40 original screenplays from new writers each year.

There is no more pure moment of time risk than when an unrepresented writer, with no connections in the industry, sits down to type FADE IN.

That is well understood.

But now let's add a new category, professional feature writers writing on spec as a de facto step in the development process.

Again, anecdotes:

In one of those bolt-out-of-the-blue moments, I came up with an approach for a Lassie feature film. Based on the beloved, heroic dog of film and television. The rights holders (Classic Media) were kind enough to let me shop the property to various studios. I worked out the structure, designed the character relationships, wrote a treatment, put together a reel, presentation package, etc. One of the first goals is to attach a producer, and Mary Parent totally understood and loved the approach (bless her) and jumped on board. Around that time, Classic Media had just been purchased by DreamWorks Animation, and while Jeffrey Katzenberg wasn't in the live action business, he agreed to help out on the process.

Fast forward to our first collective meeting. In the room, you've got myself, Mary Parent (with her one-of-the-top-producers-in-town status), Classic Media (owner of a variety of intellectual properties and high on

their recent company sale), and DreamWorks Animation. The next step was to turn my treatment into a screenplay, perhaps attach a director, and then shop the package to live-action studios. For the screenplay, as producer I would oversee the work of some young, unknown (meaning low-priced) writer.

How low-priced?

"Of course, the writer will have to do the work on spec," someone said. Nods all around.

It kind of blows you away. This was Lassie we were talking about. An iconic property. Classic Media was flush with cash, you've got DreamWorks, not to mention Mary Parent's production company, and also myself. Between the four of us, we couldn't come up with WGA minimum for a writer to create the script?

Second anecdote, same thing. Iconic production company (you'd recognize it) just acquired the rights to an award-winning novel (you'd recognize it). In the room were the folk who represented the estate of the writer (you'd recognize him). And me (handsome and charismatic producer/screenwriter). The next step would be to commission a screenplay. From a screenwriter. On spec. All eyes turned to me.

It was like that moment when they ask for volunteers, and everyone else takes a step back, and you find yourself committed to lead a dangerous mission.

(Did I agree to write on spec? As a WGA writer, I wouldn't be allowed to do that, even if I did.)

So even for the pros -- spec screenplay writing, writing done just for the hope at a chance of production -- is a top source of time risk. Screenwriter Bill Marsilli had yet another great line, summing up his disdain for this, which I will quote, with his permission: "I'm through doing free work for millionaires."

#5: Free Revisions

A close cousin to the writing on spec issue, regarding time risk, is the free revisions issue.

Here's how they get you.

When you sign your writing contract, typically, it is with a studio, such as Warner Bros or Disney. There is a person listed on the contract as the official representative of the company (usually a development executive) who is authorized to accept drafts and commence revision steps.

Not listed on the contract is the producer, or production company.

But typically, it's the producer (or in some cases, director) who gives notes. In other words, you're working day-to-day with Jerry Bruckheimer or with Brian Grazer, Mary Parent, Joel Silver. They're not going to make the film -- promote it to actors or directors, or even turn it into the studio -- until they're happy with the draft. And so here is born what is known in the business as the 'producer pass'. You get a set of notes and the amount of work to do is exactly the same as a revision, or in some cases a polish, but since the script hasn't gone to the studio yet, you don't get paid completion for that work, or commencement on the next step. It's both a time and money issue, because while you're doing unpaid drafts, you still owe the future steps spelled out in the contract, and so are not free to move on to something else.

From the studio's point of view, they take no stand, they just want everyone in agreement on the draft. They see the writer/producer relationship as a partnership, and however long it takes to get the draft in shape is however long that takes, and the step is not finished until a draft is submitted.

I MUST QUICKLY ADD that in the majority of cases, there is value to this arrangement. The 'producer pass' works as designed, the draft does get better, sometimes much better, in exactly the way it needs to get better, and the prospects of the project at the studio are enhanced.

Producers, executives, even actors and directors should have a chance to weigh in on the material. Filmmaking is a team sport.

My point is merely that the added time risk exists.

Quite often it's worth it.

Other times, the 'producer pass' gets out of control.

Like this: initially, you don't get notes directly from Bruckheimer, Grazer, Parent, or Silver. They're busy people, and that's why they have a development staff.

So a development exec gives notes to 'get the draft in shape' prior to the read from the producer. Of course, the exec is motivated to give notes along the lines of what they think their boss might give (and you see how the boss is avoiding time risk here, right?) So you get the bizarre situation of a writer who doesn't agree with a note, given by an executive who doesn't really agree with the note either, but feels compelled to insist on the change based on the chance they have made a correct guess of their bosses' sensibilities, meaning the boss might actually not agree with it either.

So the writer does a pass for the exec, maybe two, and then finally the top producer reads the draft and quite often has a completely different set of ideas, which then results in another draft or two. So the writer does four unpaid revision steps, before starting all over with the studio. The junior executive there will have his or her own notes, which often obliterate all the previous work, and after another draft or two, finally then it goes to the senior executive, and you get your real notes for the next step.

As it is far easier to read and give notes than it is to execute entire drafts of a screenplay, and the work is for free, there is little downside risk to those in power, and the system persists. Just ask for another draft, writer time risk be damned. Often there is a political motivation as well, the executives deem the time is not right to push the screenplay forward, but rather than do nothing, they request more revisions. The producers, directors and executives are free to move forward in their careers and focus on films in production (making movies), while the writers are stuck in the mud (trying to get movies made).

Uncompensated.

Screenwriter Bill Marsilii came up with a great idea to solve that issue, which he proposed once to his agent, after being asked again to do a full script pass for free. His plan was to call a meeting at the production company, and include all the various executives, the president of the company, and associated producers, etc. What he would say is, "Thank you for this meeting. Here's the situation. You all want changes to the script but you don't want to spend any more money on development. I

understand completely. And I don't want to do another draft for free, which I'm sure you appreciate. Don't worry, I have the answer. All of you figure out your salaries for the next six weeks, pool it together, and use that money to pay me. That way, you can work for free, which you all seem to think is fine, I get paid for doing the writing, and you don't have to spend an extra penny on script development. It's win-win all around! What do you say?"

Bill's agent's reply was, "I'm not going to let you say that."

#6: The Boxed-In Draft

I'm going to take this a step further.

Beyond the time-consuming and unpaid nature of the free rewrite is also a little-discussed phenomenon, which I will term the boxed-in draft.

(And it's a real nasty one, as Dan Aykroyd as a ghostbuster might say.)

Directors, actors, producers and studio executives often impose parameters upon writers in shaping their draft. (It's amusing to listen to film critics assign responsibility for the content of a film exclusively to the screenwriter, the one person on the team with no final authority to insist on any particular story choice.) Rarely are any of the restraints and dictates faced by the writer ever known to the public, even after a film is completed. Through rewrites or notes, often the content of a film can deviate wildly from the screenwriter's initial vision, preferred choices, and even basic creative sensibilities.

Case in point. Let me tell you the story of Betty's Ready, a spec written by fellow screenwriter Jaylynn Bailey. (Jaylynn and I co-wrote a ABC Family made-for-television musical titled Lovestruck, a delightful little flick, check it out.)

A few years ago Jaylynn had the idea for a raunchy, girl-point-of-view coming-of-age comedy. She wrote it on spec, showed it around, garnered much interest and praise, and happily, Betty's Ready landed on the highly respected Black List for that year.

Yay!

The script also earned her a manager and agent.

Double Yay!

And her agent and manager were smart. They knew the best way to promote Jaylynn's screenplay was to attach an element, to make it more attractive to a studio (meaning, find a filmmaker, and please, do remember that phrase). A movie star would be nice, too. And her reps came through, did their jobs, and got the screenplay to an up-and-coming (and female!) director, who loved the screenplay. She had just won an award for an indie feature at Sundance. (I mention female because this was all working out kind of great, a female screenwriter, female-centric comedy featuring a female lead, and hot new female director.)

Yay, yay, and yay again.

Even better, the director had heavy interest from executives at Paramount for her next film, and the executives were already high on Betty's Ready, based on the Black List placement. They were eager to read the script, and listen to the director's approach. Everything was lining

up.

So the director would work with Jaylynn on a revision, the studio would read, and then it would be off to the races.

(I've often said, in Hollywood, you can't tell good news or bad news when it happens. Bad news can turn out to be a blessing in disguise, and good news can become a nightmare.) Here, you can kind of guess which side of the coin came up.

The director's notes were incoherent.

See, that independent feature that won the Sundance award, it turns out was shot in two weeks, and was mostly improvised by the actors. In fact, the director preferred to work without a script, just an outline, and workshop her films on set. Then, it turned out to be difficult to even meet with the director, as she was often out of town, or prioritizing other meetings, or just not ready. Each delay meant more time risk for Jaylynn.

Oh, and the revision work, to be supervised by the director, no matter how long it took or how much work was involved, was of course to be done for free. (Did I even need to say it?)

Then, when the director meetings did happen, the notes were just bad. All of Jaylynn's meticulous work that took years to complete would be unraveled. Jaylynn reports this to her new agents and managers, and is told, "Just do the best you can. You don't want the reputation of being difficult." Jaylynn waits, and waits, and finally another meeting happens -- Jaylynn actually flies up to Seattle to facilitate progress -- but the notes don't get any better.

That's why it's called the boxed-in draft, the content of the draft is limited ('boxed in') by the taste, abilities, and sensibilities of somebody else.

Here's where it gets interesting. What to do?

It's tempting to say that Jaylynn should just walk away. But what are the new agent and manager to make of that? Here they did their job, in spades, set up Jaylynn with the hot new director, and then Jaylynn blows it up, what's that about? And what is Paramount's interpretation, they're waiting, ready and eager to meet with the director and see the director's vision of the project, why is the screenwriter making trouble? But on the other hand, let's go down the path of making changes. By far the most likely scenario is for the studio to read the revised screenplay (with Jaylynn's name on it) and see that it is terrible, and think Jaylynn is a terrible writer. Negative coverage would hit the tracking boards, and the news would spread. Plus then there would then be a draft floating around town, with Jaylynn's name on it (certainly not the director's!) that Jaylynn thinks is terrible.

Let's not overlook the main irony here: Jaylynn was setting herself up to be rejected by the studio for work that wasn't even hers, while her own (preferred) version sat at home, never to be read.

And once one studio passes (and with a director even!) the project is tainted, people presume there must be something wrong with it. And nobody wants to go back and read an old draft, figuring the changes must have been necessary and done for a reason.

So now the whole affair has gone south, and it's on to the next.

If ever there was an argument to not be a screenwriter and to become a director, this story should do it. Jaylynn had worked and studied and practiced for years, and her sensibilities mattered for naught. The director put together a micro-budget film that was shot in two weeks, improvised by actors -- and was given absolute creative authority over creative content.

And on the topic of Hollywood power, consider: it is impossible for a writer to build a brand if the artistic content of the work can't be controlled, no matter how much time is invested. In this case, it would be the director building a brand, not the writer.

The way the process should have gone: Jaylynn sends her completed screenplay to the studio, and the decision-makers there take the time to read it. They can decide, based on the material, whether they want to own the project.

If they decide to own the project, they make an offer, either a purchase or an option.

Next, the studio takes the time to meet with a number of directors, and picks one, after hearing any proposed changes. Then the studio takes the time to approve and organize the suggested revisions, and instruct Jaylynn to make the specific revisions they agree with (paying for these revisions steps, and in the context of moving toward production).

But it didn't go down that way -- and you know the phrase that explains why.

#7: The Agent Hoop

A relatively new phenomenon, many writers get notes from their agent or manager, and execute revisions based on those notes. As I've written elsewhere, I'm against the practice. Writers should hold themselves to the highest standard and be more of an expert at writing than their representatives. I make a fine distinction, though -- it's excellent for an agent or manager to offer a reaction to a draft, make suggestions, or suggest changes based on marketplace opportunities.

But I'm against the institutional expectation that the agent, say, is going to help the writer get a screenplay into shape, and that the draft isn't ready until the agent agrees -- giving the agent final approval. A screenwriter should work with the expectation that they are the highest authority. No agent ever told Neil Simon which lines were not funny in a play, no agent ever informed Stephen King that he needed another bloody death, or one less bloody death, in a novel.

Some writer-agent relationships have this step built in to their process, and do result in elevated quality. Good for them. Too often, it's just another time risk hoop to jump through, with plenty more time risk hoops to come.

#8: Assignment Chasing

If you win the Nicholl, land an agent, or place on the Black List, or create an indy hit, you get to go on general meetings, and after the general meetings comes assignment pitching.

This is where a producer, director or studio executive has what is known as an open assignment. A project, often based on underlying material (a book, comic book, television show, video game, etc.), where whomever

controls the rights is looking to hire a screenwriter to fill the assignment.

A job opening, so to speak.

At least that's the theory.

There are many variations. The underlying materials could also be another screenplay (purchased but in need of a rewrite), an original idea by an executive, a magazine article, etc. There can be elements attached (director, producer or star).

Countless variations.

In its basic form, the writer becomes familiar with the underlying material, develops a 'take', pitches the take, and then gets the assignment (or doesn't get the assignment). If successful, you get paid to write, and you have a development deal.

Even just that -- the basic form of getting an assignment -- is time-consuming and difficult.

If there's a book, you have to read the book. (Even if the producers haven't.) If it's a comic book series, there might be a hundred comic books to read. If it's Zorro or Godzilla, there might be a dozen films to watch. If it's a world such as Terry Pratchett's Diskworld, there might be fifty books to read.

Don't get me started on Doctor Who.

I've had writers tell me, out pitching assignments, over the course of a year or two, they have worked harder than they've ever worked in their lives, even if they end up with no offers. (As with any job opening, the studio interviews multiple candidates, and only hire one.) For the writer, it's far more involved than a typical job interview. Each assignment requires a 'take' and to develop a take means: analyze the property, understand its appeal, break the story in terms of a film narrative and character, create a structure, then write up a description of the potential film. In other words, half the work of writing the screenplay.

Oh, and then go pitch it, and pitch it well.

And not just once (as we will see below). This is hugely time-intensive, and works (intrinsically) against the screenwriter, because typically each pitch is a 'one-off.' If you create a take for GI Joe 3 (which I did, by the way, I love that series) and don't get the gig, then it's not like you can shop that material elsewhere.

Like actors going for auditions, looking for that one breakthrough role, assignment pitching is a grind, even under the most optimal circumstances.

And you don't always get optimal circumstances.

#9: Pitching Up the Ladder

Established writers and their agents work hard to set the initial pitch as high up in the studio hierarchy as possible, to the actual decision-maker. The beginning writer is often not afforded such luxury.

And so you get the phenomenon of 'pitching up the ladder.'

Your first pitch could be to a story editor at a production company. If that goes well (and after some notes are given, and a few changes made) then it's on to the executive producer, then the producer, then off to the studio to a junior executive. After that, the head of development.

Of course, all these meetings are scheduled, cancelled, rescheduled, re-cancelled, and rescheduled. (The rule is that any pitch on any new project carries less of a priority than any project in production, pre-production, or post. Also any holiday, vacation, film festival, or the week before and after the Academy Awards.) Eventually it's another drive across town, parking pass, sticky badge, bottle of water, office couch, and pitch to a division head, say the President of Production. Ideally it stops there, but for larger projects, you might end up with another meeting and doing your dog-and pony show to the Studio Chairman.

There are many chances for no on that winding path toward yes.

#10: The Free Outline

It's easy to end a pitch meeting with an executive casually asking to see an outline. Or sometimes the screenwriter might volunteer the offer, in an effort to secure the job.

It's not a bad idea, as the outline puts the screenwriter's ideas in a 'fixed form' and grants copyright, whereas anything spoken in the meeting is fair game to be used without compensation.

But no matter what, writing an outline takes time. Put at risk.

And to create a good outline means doing quite a chunk of the work of writing. Designing the narrative, characters, and character relationships, and designating tone. For some writers, the majority of work happens before typing FADE IN.

This point came up for me working with the folk at 'Team Downey': David Gambino, Rob Hackett, and Robert and Susan Downey, on their Yucatan project. I took meetings, reviewed the existing screenplay, completed research, consulted with consultants, pitched an approach, put the structure up on a board, all in preparation to pitch the studio. It became clear an outline would be useful, because you can't pitch a story that isn't fully worked out. I made the point that writing an outline was a boatload of work, and up to that point, though we had spent months together, I was yet to be officially "part of the team."

They took it to heart. And most Hollywood veterans won't believe what happened next. Susan and Robert took the unusual step of going to Warner Bros (who owned the project) and worked out a writing deal before the pitch, which included a fee for writing a treatment, which they would pay before hearing the pitch. That helped justify another half-dozen meetings and the writing of a full 28-page treatment.

I benefited from good fortune and timing in that case, with a track record of films, great representation, a sympathetic production company and a wildly popular movie star. Previous to that experience, over the prior three years, I had written over thirty unpaid treatments on projects that didn't get picked up.

As always, my friend Bill Marsilii has the most pithy summation of this phenomenon of writing treatments, just to get on board. A line he told his agents and manager, "Find me someone with an actual checkbook and an actual job that needs to be done. I'm a chef, and I want to be paid to cook. I don't want to go meet someone who says, 'I have an interesting

idea for a restaurant."

#11: Note Delays

This is a separate category than the actual physical process of executing a free revision and the time it takes to receive and discuss notes for that free revision.

Sometimes, the downtime to even just get a response can be significant.

In Hollywood, it's well-accepted that projects in production take priority, then films in preproduction, then films in post, and after that, new projects. So projects in development often get shoved to the back burner. Meetings get pushed, or key personnel are on vacation, contracted reading times get ignored, the read gets delayed, and the process simply takes as long as it takes.

If there are celebrity elements attached -- such as a movie star or A-list director -- it's understood all will react to their timetable, no one blinks at the prospect of waiting a month, or two, or in the case of one writer I know, seven months -- for notes to arrive.

That would be seven months and counting

The pro screenwriter is simply expected to wait. Presumably they're busy working on something else, and in fact, they should be, to keep their careers alive, so that your project can get made.

The dark side of note delays occurs when the writer is waiting to execute a guaranteed step. There have been cases (cited as 'an old Disney trick' by one top entertainment lawyer) where the studio would delay the notes or make the direction of the next step so confusing, contradictory, and time consuming, the writer would quit -- and thus the final step of the project would not have to be paid.

#12: Development Art

Turning back to the Yucatan project, the eventual pitch to the studio of that project involved a fair amount of development art, commissioned from professional digital artists.

That takes time.

Not all screenwriters employ development art, but I'm a fan. Anything that takes attention away from the drone of my voice in the room, I figure, is a plus. And as film is a visual medium, sometimes just the right image nails the potential of a project. Also, I feel that to arrive at a meeting with quality development art conveys a strong passion and commitment to the property.

There are many types. A range of options. Everything from images grabbed off the Internet (for one-time, unpaid presentation use I think that's legal, I hope so) to a full-on mock trailer with music and sound effects. Famously, Michael Bay did pre-vis of the entire attack sequence on Pearl Harbor, in order to propel that film into production. The most recent incarnation of Sherlock Holmes films began with a self-financed limited run comic book. In the 70s, George Lucas hired illustrator Ralph McQuarrie help convey the look and feel of a futuristic space opera: Star Wars. (McQuarrie helped create the iconic designs of Darth Vader, C-3PO, R2-D2, the Stormtroopers, among others.) If you ever get a chance to see

the Timur Bekmambekov pre-vis sequence for Heatseekers, oh my God, don't miss it, it's one of the most amazing six minutes of filmmaking ever conceived.

On the Yucatan project, Team Downey and I commissioned several artists to do concept drawings depicting scenes from the story, also video pre-vis, including underwater diving sequences. And we designed an underwater jet-ski. For the pitch, this was complemented with gorgeous photographs of the region. I also created a cut reel of representative scenes from other films, to convey tone.

For the project Lightspeed, a racing-in-space film (co-written with Bill Marsilii), we worked with artists designing a variety of futuristic race ships, and commissioned pre-vis to show them in flight, from starry space backgrounds down to alien landscapes.

Or, development art can be simple: for the Jonny Quest project, Robert Rodriguez and I created a mock one-sheet poster for the pitch, as well as a design of the villain lair, and sketches of other key moments from the story.

The point is this: the process of creating presentation materials doesn't happen quickly, and is quite speculative. It can take months to oversee the conception and refinement of images, or to write, design and publish an entire graphic novel, or even finance a trailer or short film. For myself, I've been lucky, most projects where I invested in a presentation, the project got set-up -- so I'll probably keep doing it.

But there are no guarantees, and when you miss, you're out both time and money.

#13: Sweepstakes Pitching

A variation of the assignment chase is sweepstakes pitching.

It's not exactly clear where the usual normal assignment process ends and the much-reviled sweepstakes pitching begins. The complaint is that a studio will set up multiple pitches from an inordinate number of writers, say twenty or more, knowing (obviously) that most screenwriters are wasting their time. Only one person can get the job.

Normally, the screenwriter hopes to nail the pitch, with the expectation that, if you get it right, then and there, the job is yours. With sweepstakes pitching, you know no matter what you say, they're going to meet with other writers.

Rather than meet with one writer at a time, and give the job out when they hear what they want, they set up a system that guarantees 19 out of 20 writers wasting their time.

In some cases, they may already be 'leaning' toward a writer, but they meet with you anyway.

In some cases, they've already chosen another writer, but they meet with you anyway.

In some cases, they meet with all the writers, and choose none of them (more on that later).

In some cases, the fear is that the producers are 'mining ideas.' In other words, they already have their writer, but they "might hear something interesting" during one of the other pitches, and those ideas

(fair game, if they're not written down) will show up in the next draft of the project.

Obviously, sweepstakes pitching is a massive time drain on screenwriters. Your agent will encourage it, just to "get you in the room" and "build relationships" because you never know what will happen. But the writer has to put in the same amount of work on every job, whether or not it is a legitimate opportunity.

Experienced writers (with good agents) can sometimes insist that the project is 'out exclusively' just to them, for at least a short period of time. There still might be multiple pitches, but at least they are done in sequence, where each pitch is potentially the last.

It should be noted that, per the WGA, if you ask, the company must tell you the approximate number of other writers who have been invited to pitch on the project.

#14: The Phantom Assignment

It's shocking how many open writing assignments aren't actually open writing assignments.

My writing partner friend Bill Marsilii summarized this quite well, when he told his agents: "If I go after a project and they hire someone else, I'm disappointed. But if, after I do the meetings, the conference calls, take the notes and churn the outlines, they never hire anybody --Ënow I'm angry. Because this was never a job."

At least with the sweepstakes pitching scenario, the time risk pays off for one writer. In the phantom assignment scenario, the 'assignment' is purely speculative, there is no actual job to be filled, no money budgeted, no institutional intent to move forward. And that information is kept from the writer.

Let me illustrate, with an anecdote.

Working in the capacity of producer, I was able to set up an animation project out of turnaround at Spectacle Pictures Animation (yes, that's a made-up studio name, to protect the guilty). It was optioned by the top animation executive, we'll call her Haley, and we worked with her creative executive, let's call him Mack. Securing the turnaround rights was nightmare, a complex series of favored nations negotiations, which took over a year of intense work on the part of Brian Siberell at CAA. And as part of those negotiations, yours truly had to agree to do a free polish for one of the parties involved. That's over a year of time risk on the part of the agent, and myself, just to get the project to arrive at Haley's desk.

But it was going to be worth the effort, because before we undertook the task, a candid conversation had taken place in Haley's office. "You like this story, right? Because we've been to other places where they end up wanting to change everything." "We love it here," she assured us. "When I got this job, I asked my staff, what screenplay out there has been overlooked and deserves to be made? They all came back and said, this one."

So a year later, we're sitting back in her office, having successfully negotiated the perils of turnaround. This day, the tone was different. Haley had cooled on the project. "You know, sometimes when you actually own something, and you're hit with the real prospect of actually putting it into production, you look at it differently than when you were buying

it."

And so the project was dead.

But not quite.

A few weeks later, I received a call from the junior executive, Mack. He said he came up with an approach on how to revive the project, and wanted my opinion. We had lunch. To keep this short, I will simply say that we would keep the basic structure and comedic tone of the piece, and re-invent the story in a spy/espionage setting, utilizing all the classic spy genre tropes.

A caveat, they didn't want to use the original writer, which meant they would have to go on a writer search.

From a producer's point of view, this is good news. Any time the studio wants to pay for another draft, the project is still alive, and they are potentially more invested. And regarding the original writer, there was a payment coming up for an extension to the option, so at least he would get something out of the deal. And of course paying for an option is another indication of faith in the project, or at least, faith in this new approach.

Giving hope that the film would someday see production.

So word went out to the various top agencies that Spectacle Pictures was looking for a writer, and a half dozen interviews were scheduled. I participated in several. Some of these were top, A-level talent screenwriters with excellent credits. All developed 'takes' including detailed analysis of the characters, action setpieces, plot turns, re-interpreting the story with this new spy-espionage approach.

The presentations were quite good, and we narrowed the candidates down to two, who would pitch 'up the ladder' to the executive in charge of development (this was no longer Haley, as she had been promoted over to the company's live action division).

I was walking along with Mack outside the Animation building, talking about the project, when he casually mentions the pitch would have to happen soon, as Spectacle Pictures had a decision to make regarding the option, whether to extend ownership of the underlying rights on the project.

I stopped in my tracks.

Literally, we were walking along together, and I literally stopped. "What?"

He reiterated his point. His boss would have to be convinced with a pitch in order to spend the money to extend the underlying rights.

"I thought this was an open writing assignment," I said. In other words, if either of these pitches didn't play out, we would simply go to other writers, until the studio found someone they liked. "Why wait to extend the option?"

"If they like what they hear, I will get them to extend."

"But they've cleared the approach, yes?"

"I ran it by them," he answered.

The more we spoke, the more the lay of the land became clear.

Mack had an idea to resurrect the project -- and in fact did check with his executives as to what they thought.

Their answer was based on the principle of time risk. Sure, they would listen to some pitches, if Mack could bring them in. As long as they were presented before the option payment was due. This is a variation of the 'if-come' arrangement. They make no commitment, pay no money, not even the option extension, and get to hear a couple of presentations for free, hey, it's just time risk on the part of a bunch of writers.

Can't hurt to let a few writers throw a few Hail Marys.

If they hear something great, then maybe it becomes an assignment.

Standing there -- remember, we were walking along, and I literally stopped -- I was shocked.

It's one thing to participate in the effort to fill an open assignment, on a project the studio was genuinely excited about. It was an entirely different prospect to ask writers to -- essentially -- work on spec, and try to create a job opening -- with a project the studio was predisposed against!

This may seem like a small point.

No.

If the studio were truly interested in the project, they would spend the money to extend the option on the underlying rights (or purchase them outright). Then they would budget money for a revision, and then interview writers, and keep interviewing until a writer was found.

In this case, they were just willing to listen (with figurative arms crossed) as they would listen to any pitch, and only during the window of time they had already purchased via option.

In a sense, here's what happened: Mack said to himself one day, "I think I have a good idea for a movie" and then got a half dozen Hollywood writers to put in their time, talent, and effort to flesh out his concept, for free -- on the off chance that his boss might like it.

For the writers, this is a worst case scenario of time risk, because now, not only were they working on spec, but creating a spec presentation with only a single potential buyer. If that buyer passed, there would be nowhere else to go.

Shocking, when you think about it.

Imagine a mid-level executive calls up CAA or WME and says, "There's a film we want to make and we need actors, I'd like Jennifer Lawrence to come audition, and any other A-list stars you care to send." And after the audition, it turns out, the exec's plan was to use the audition to try to garner interest in his idea for a film.

No agency would stand for it.

The actors would feel used, and rightly so.

That executive would be fired within the hour.

But in the world of screenwriting, it plays out differently.

In the world of screenwriting, Mack here is the hero. Rather than just let a project die, he took the initiative to create a new take that he thought his bosses might like. He took the time to meet with the producer, and then put in the work to interview writers, invoking his own time risk. He helped refine the best takes. He got the writers 'into the room' with his bosses, which is always a benefit to a writer. And he brought about -- out of a dead project -- the opportunity for a job to be created, and a film to be produced.

Mack was doing his job -- being a creative executive -- emphasize 'creative.' Thinking out of the box. And pushing forward a project he loved.

So, the new animation bosses heard the pitches, and weren't swayed.

Which is further evidence the assignment was never real. If the approach was pre-approved, and the pitches were excellent, so why no job offer?

Instead, the animation executive offered a suggestion. Perhaps we should take the project back over to Haley, now at the live action division, and present it there. After all, she originally purchased the project, remember?

A call was made, and Haley was willing to listen to one pitch.

So the best approach was selected, and re-worked for live action, we went back to Haley, the writer gave an amazing presentation. Haley passed on it, with one comment: "We're the studio that does the Bourne films. We would never use that spy/espionage setting."

So in other words, the one element the junior executive imposed on every writer's pitch -- the spy angle -- was also the key reason, it turns out, the studio cited to pass.

#15: The Competing Project

Competition.

A true time risk issue.

I remember watching Tiger Woods play at the 2010 Ryder Cup in Wales. And he was really, really good that day. He hit with authority, his short game was a wonder, and he sank a number of twenty-foot puts.

But the shocking revelation I took away that day (my first-ever pro tournament) was not how good Tiger Woods was.

It was how good the other players were, too.

We saw Jim Furyk. Rory McIlroy. Phil Mickelson. Graeme McDowell. Bubba Watson. A parade of incredible talent. I'd been a golf fan for years, watching on television all the way back to Arnold Palmer with my dad. So I think I had a bit of an eye regarding ability. But there was something different that became apparent, in person. The thought occurred to me, as I observed the plays, that Tiger Woods might not win another major tournament, ever. Not because he wasn't great. He was great.

But everyone else was great, too.

The competition around Tiger had become better. The gap between his

greatness and the others had narrowed.

Tiger still might be the best player. But to win a tournament, he had to beat not just one other player, he had to beat the field.

And the field had become really, really good.

In golf, any single player can get hot over the course of a few days. Given a group of 144 players in a tournament, odds are that at least one other player will be on fire on any particular week. Likely two or three, so even if Tiger was also hot, there would still be intense competition. The math alone made dominance for any one player unlikely.

Switching gears to another sport.

In the NBA, an annual draft lottery is held. Ping pong balls bounce around to determine which underperforming team from the previous season will get the number one overall pick. Also the second, the third, etc. The idea is that to increase parity in the league, the worst teams are given 'first pick' so to speak, to choose amongst the best new players.

They used a weighted system, where the team with the fewest wins gets the most ping-pong balls, the second-fewest winning team gets fewer, etc., down to where the winningest teams only have one ball, so to speak, and so virtually no chance to land the top pick. (All right, purists will point out the NBA now uses a numbering system that is slightly different than ping pong balls, but to the same purpose.)

People are shocked every year when the worst team (with the highest chance of winning) doesn't win the number one pick. So unfair! But it makes perfect sense.

Even if you're the worst team, with say, 17 ping pong balls out of a hundred, and the next team in line, has, say, only 13 ping pong balls, and the next team after that has only 9, etc. -- giving you a clear advantage -- the odds are still 83% that you won't win the top pick. Because you're playing against the field. Like Tiger, you might be the best, but the field has the advantage.

In screenwriting, you face a pretty vast field.

This becomes particularly apparent with the phenomenon of the competing project.

You've heard the stories. Maybe it's happened to you. You work for a couple of years on an amazing concept featuring a plane with snakes, and the day you type FADE OUT, you read in the trades that a film with the unlikely title Snakes on a Plane has just been green-lit for production.

This is a time risk land mine faced mainly by screenwriters (occasionally, a producer will get burned).

It's particularly dangerous as screenwriters are naturally drawn to situations, settings and characters in the public consciousness. Or, what I termed (in a previous column) mental real estate. Who knew how prescient the column would turn out to be? Turns out it's much easier to set up a project based on a known element or topic... but if an element or topic is known, there are likely a dozen other writers working on a story. There are always a dozen San Francisco Earthquake projects out there, or Houdini films, or Black Dahlia explorations, Atlantis adventure tales, etc. Only one of each will get made. (Yes, occasionally you get a Deep Impact and Armageddon released close together, but those are the exceptions.)

For the most part, I never concerned myself with competing projects -- in the development phase. That will drive you nuts, and leave you nothing to write. I once designed a medieval tale, featuring kids as protagonists, which featured a young King Arthur in a minor role. The producer didn't want to proceed when he discovered a competing project, in development at a different studio, that featured a straight King Arthur story... in a contemporary setting. The producer bolted, even though the other project had no screenplay, no director (and sure enough, has yet to get made).

Just for fun, go back five years, and look over the list of 'announced' projects on Done Deal Pro. Very few ever came to fruition.

Now, where the issue does matter is when a project actually gets the green light.

That's a killer.

Example. My writing partner Jocelyn Stamat and I had been working on a Casanova cable series in association with the De Laurentis Company. Several months of meetings, detailed character designs, screenings of previous films, massive research of the man and his times, a story bible designed, episodes invented, etc. And then a pilot for Amazon was announced, same topic, the exploits of a young Casanova -- directed by Jean-Pierre Jeunet, of Amelie fame.

Our work had to be put on hold, until we find out whether they picked up for a full series.

And I'm sure we're not the only ones.

Another anecdote, a particularly odd 'competing project' story. I was called into a meeting by producer extraordinaire Marc Platt. This is a meeting you take and push all other meetings off the schedule -- not only due to his success, he's also just the most elegant human being, and great with story in the way that a lot of producers claim to be, but Marc is the real deal.

Platt had identified a project in the public domain he wanted to produce -- a somewhat obscure Christmas film called The Candle Maker. He hands me the book, an outline, and swears me to secrecy. I re-watch several previous movies based on the material, and spent a few days working up an outline, and we had a few more meetings.

One week later -- not kidding -- I get a call from the awesome team down at Paramount Animation. They swear me to secrecy. There's an obscure film in the public domain they want me to consider. A dramatic pause on the line. Then these words filter through the ether: "Ever heard of a Christmas film called The Candle Maker?"

Of course I had to stop them right there "Uh, I've just turned in an outline on that property," I said, to their astonishment. "To producer Marc Platt." Neither group had any idea there was someone else focused on the material.

My first instinct was to try to get the two groups together. That didn't play out, as the Paramount group already had a very strong producer attached, to add Marc Platt would be redundant.

So there are worse problems, right? Now I just had to choose which of the two situations to pursue, right?

Not so fast...

In this case, the problem was the outline I had written. I thought I was playing it smart by breaking the story and helping Platt out with his project, time risking it on spec. But that put me immediately out of the running to work on the Paramount project. I couldn't take my version of the story to them if I had already given it to Marc. And I couldn't very well break the story twice -- and how would anyone know, going forward, what ideas presented might overlap with something I had done somewhere else?

So Paramount wasn't going to happen.

So that meant working on the Marc Platt version, yes? And anyway he was first. But Platt correctly assessed that Paramount was ahead of us -- they already had a studio, a director, a producer, and other team members in place. It didn't make sense for him to proceed, in the face of that kind of competition, and be second to market.

So in one fell swoop I went from being a first choice on a project with two great companies, to being the one writer neither wanted to use!

#16: The Child-Killing Gorilla

This entry is contributed by my screenwriting friend Richard Jeffries. He points out the short life span of your project when your studio executive quits or gets fired. The last thing you want to hear on the phone is, "There's a new executive on your project."

If you ever hear these words, advises Richard, end the conversation politely, go for a run on the beach, play with your kids, get drunk, go bowling.

Don't react right away.

Then finish your draft with all the denial and pig-headedness of a Chicago Cubs fan.

Known as the changing of the guard, or the game of musical chairs, Richard has a more graphic analogy. A new executive taking over your project is probably going to handle things the way a new alpha male gorilla does when he takes over his band of gorillas. Right away, he kills off all the baby gorillas and re-impregnates every female with his own semen.

A new executive does not want their predecessor's projects to survive.

Thank you for that lovely image, Richard!

#17: The Hit Song

For the screenwriter, penning a hit film buys you this marvelous opportunity: to attempt to pen another hit film. Which is what very other writer out in the world is trying to do, so you haven't gained much of an advantage. You get to climb back into the hills with your mule, pickaxe, gold panning dish, and hope to stake another claim. Go out and dance under the thunderclouds, and hope to get struck by lightning, again.

There is a 'one-off' nature to hit films, seeing as they are often concept-driven, that puts them akin to, say, writing a hit song. Thank you for Stairway to Heaven, now we'd like another instant classic, please.

But the problem with those hit songs is they don't appear with just

hard work and talent.

They require inspiration, dammit.

Contrast that to, say, Elvis Presley, who could bring his distinctive style to any song, written by any songwriter, who had been blessed by the Muse. Or any record producer, who could bring his talents and training and sound, to any number of inspired works.

Mixing metaphors, as a writer, you become the rainmaker, promising torrents to a thirsty town. And the next. And the next.

But what if the rains don't come?

Consider J.K. Rowling, who at one point seemed unlikely to create another property as popular as her Harry Potter series. Now, after many years, we have Fantastic Beasts and Where to Find Them, which I think may count as another lightning strike. But look how long it took!

There are many writers out there who have been blessed with just one great idea -- and that's all.

For the writer, a particular form of time risk is down time between bolts out of the blue. Or worse, writing a project that is less-than-inspired because you don't have that next something great. As he often does, screenwriter Bill Marsilii put it quite well: "Selling a script is a once-in-a-lifetime experience... and to have a career, you need a whole series of once-in-a-lifetime experiences."

#18: Underlying Rights Hustle

It's common to meet with producers on projects based on underlying material, so-called 'branded entertainment.'
ÊÊÊThe problem comes when the producers don't yet own the underlying rights.

I met with one of the producers of The Hunger Games for an adaptation of a video game. Great game, great concept, and it turned out I had a separate, original idea in my files which was a perfect match. I risked the time to adapt my concept with the game situation and characters. The producer had a few notes, embellishments, which were quite good. A revised and expanded outline was written. It would be a very writable screenplay, a viable film that transcended the usual video-game-to-film genre. Plans were made to pitch the studios.

Hold on, just one little thing -- the producer had to 'finish her paperwork' with the rights holders. Then it was off to the races!

There's a red flag for you.

A week, a month, a couple of months go by. (I was worried, because my original idea was at risk as well, though it pre-dated the video game.)

Check in with them... still working on those rights, but it shouldn't be a problem.

Then a weird wrinkle, the video game people wanted to own the rights to whatever they read, if they read it, whether they approved of it or not, and we had to agree to that before they would read anything.

And that was the end of that.

#19: The Hidden Previous Materials Boogie

Here's how this one works. You take an assignment on a project like, oh, say, National Treasure, rewrite the screenplay in the course of production, work on the project for about six months or so. You think you know the lay of the land in terms of other writers, you've made significant contributions, and you're pretty sure that you'll be awarded a co-screenplay or co-story credit. WGA arbitration comes, and only then do the producers let you know of the existence of a four-year-old 'story idea memo' that pushes the names of other writers (a studio executive, actually) into the mix, and bumps your names out.

That's one you have to learn the hard way.

You have to demand to know, from the producers, all previous contributors to a project, at the very start, in order to properly assess the time risk regarding credit.

#20: The Vanity Option

One path forward is to get your screenplay to a big name actor. Sandra Bullock, Johnny Depp, Robert Downey Jr., Reese Witherspoon, Tom Hanks, all have production companies. These are top-level businesses, the executives who run them are total pros, and you'd be lucky to have any one of them interested in your project.

And the best ones all have the reputation of getting films made.

If you get a chance for an opportunity like this, you have to go for it.

But understand the time risk.

There are times when a studio looks upon an actor-driven deal as a vanity project. "We want to be in business with Sandra Bullock," goes the thinking, "so of course we'll option that favorite script of hers. Maybe commission a low-cost rewrite." But their real agenda is to please Sandra Bullock (or Downey, or Reese) and maintain and further that relationship, and pitch other films, never intending to take the actor's 'pet project' seriously.

Real world example, Nickelodeon, in association with Warner Bros, optioned the Christmas film screenplay Jingle, from Sandra Bullock's company. In the entire course of the option, from start to expiration, we never had a single meeting at Nickelodeon. ("We'll option this for you, but we really want Miss Congeniality 2.")

Now when this happens, it is typically in no way the fault of the A-list actor. They have been glad-handed and lied to, which comes with the territory, the demand for their services is so high.

And like so many of these time risk issues, it has to be embraced, not avoided.

"You pays your money and takes your chances."

#21: The Underlying Option Expiration

It can be a bit painful to see a film head into production, based on a book that you've adapted, but it's not the adaptation you've done.

I've had that happen three times.

Neil Gaiman's wonderful Sandman graphic novel series. Edgar Rice Burroughs' A Princess of Mars, which eventually hit theaters as John Carter. And the most interesting case, Robert Heinlein's The Moon is a Harsh Mistress.

(Sandman and Mistress are reportedly in pre-production as of this writing.)

Typically, what happens is the studio options a book, and the screenwriter is hired to write the screen adaptation. Because the studio has not purchased the book rights, the screenplay is only viable, practically speaking, during the option period. You've got a year or two where they have to proceed to production, or their option expires and the film rights revert to the author. (Essentially, the studio doesn't want to spend the full price to own the film rights until they know whether the project will be produced and distributed.)

Once the option expires, the screenplay draft becomes a 'lame duck' draft, of value to no one, because the underlying rights are no longer owned. If someone new comes along, and options the underlying rights again, they wouldn't own the rights to the screenplay. The script becomes stranded, without a home.

The Moon is a Harsh Mistress is an interesting case, on two counts.

After the option expired at DreamWorks, the book rights were subsequently picked up by another company. Now, you would think it might be a simple matter to contact that company and say, "By the way, there already exists an adaptation of this work, over at DreamWorks, and I bet they'd be willing to sell it to you for a song, since they no longer own the film rights, so why don't you give it a read?" If they liked the script, they'd get a ready-to-go project at a bargain rate; if they don't like the script, no harm no foul, they could always proceed with their own adaptation.

Makes sense, right?

And it would be a great deal for the screenwriter, who gets another chance at a payoff for all the time risk invested in the project.

But it can't happen.

Not that it didn't happen; the way the system is set up, it can't happen.

We contacted the new studio, and made the proposal. Their answer was the common answer -- due to potential legal issues, they couldn't afford to even look at the existing draft. Problem being, if they read the screenplay, but didn't buy it, they'd be setting themselves up for a plagiarism lawsuit. Their eventual adaptation might use similar solutions, similar selected elements, or through parallel development, similar embellishments. Or they would have to dodge every new idea in the adaptation they read, even if they might have come up with the same ideas later, and that would be a nightmare.

So lame duck drafts on projects rarely even get considered. (And where's the fun in that, anyway? Typically filmmakers get excited about projects because they want to do their own version of a project, not execute someone else's version.)

The second way *Mistress* is an interesting case goes back to when the adaptation was written. The screenplay was completed about a month prior to the rights renewal date, and to be honest, we nailed it. The source material is of course fantastic, one of the top ten science fiction novels of all time, and the draft we turned in would have made an amazing film. The renewal date came and went, with no word from the studio, but a few days later we got a phone call. "We're going to let the rights expire," said the executive. "Did you not like the script?" we asked. "I'll be honest with you," said the executive, "We've been really busy. I'm sure the screenplay is fantastic, you guys always do good work. But we just didn't have time to read it."

While this sounds insane from a business perspective -- why option the book rights at all, on such a high profile project, or hire screenwriters to do an adaptation -- it makes perfect sense from a time risk perspective. If you're an executive, and you know the project doesn't fit your production schedule, why expend the time risk to even read the screenplay?

#22: The Parallel Draft Deal

Meet a relatively new addition to the pantheon of time risk perils faced by screenwriters: the parallel draft.

Here, at least, the studios are up front about the deal. What they do is hire two or three screenwriters or teams, for the same project, and have them work simultaneously on different approaches to the same film, with the intent of making just one, whichever approach turns out best.

It's a sort of a *They Shoot Horses, Don't They?* approach to development (or, for a more recent reference, *Hands on a Hardbody*) where all the rewards of production go to the winning script.

This makes total sense for the studio. I first heard about this practice regarding the next installment of *Green Lantern*. For a high-profile project like that, they simply can't afford the potential delay of commissioning a draft that doesn't work. So they hedge their bets, create a winner-take-all scenario (call it 'sweepstakes writing') but what's really happening, they are freely spending the coin of time risk, which carries little value to them, shifting the risk away from themselves and onto the screenwriters.

Compared to other issues, this is not the worst of circumstances, as multiple writers are employed and getting paid, and demonstrating their abilities.

#23: The Roundtable

My writer friend Paul Hernandez got a call from his agent, that director Michael Bay was looking for a take on the next *Transformers* film. So Paul hops in his car and drives out to Palm Springs for a meeting. He arrives at a house, and Michael Bay greets him out on the circular driveway, wearing tight running shorts and a tank top. Michael leads him into the house... into a room where a dozen other screenwriters sit, all of whom have been invited to brainstorm ideas for the next sequel. Paul's agent neglected to tell him that this was a roundtable affair, and that he would have to vie with this gathering of other writers to present his ideas and try to shape the movie.

Paul turned around and drove home.

That was a couple of years ago. As of this writing, the process has become more formal, more professional, more respected, and writers know what they're getting into up front, and (more importantly) they're being paid. Zak Penn leads the current brain trust for the next Transformers film, and when writers are added to the room, it's the subject of press releases.

I'm in favor of the group approach. Works for animation, works for television, works for Pixar. It's a lot to ask for a single writer to carry an entire franchise forward. Any time you can layer talent to make a film, I feel, you have a chance to make a better film. Done correctly, the group approach is a rare situation that could actually lessen time risk for writers, in that they are more likely to be participating in a produced film.

Though I am curious how the WGA is going to designate credits in this type of scenario.

#24: Giving Notes

Peer group review and peer group notes have long been an aspect of the film business. Perhaps a director might ask for notes on a private screening of a film in the midst of post-production. Jeffrey Katzenberg was renowned for gathering together a brain trust of top talent to review works in progress. A producer might send an early draft of a big franchise film to an established writer, to get what's called a 'friendly read' and reaction. I once spent an entire day at the Bad Robot production offices, reading and evaluating a screenplay, as it was one of those projects where they wouldn't let the screenplay out of the building.

These are important opportunities for screenwriters. A chance to extend relationships, further your craft, meet new industry professionals. In rare cases, a truly excellent set of notes might lead to a job offer on another project.

Case in point, I did a 'friendly read' on the Jonny Quest project at Warner Bros (a project I had been pursuing for a decade) and generated notes, at the request of the director attached at the time. Years later, on a different incarnation of the project, with a different director, those notes led to an opportunity to pitch the studio, and be hired to do a polish. The original motive was to do a favor for a fellow industry pro, the unintended result was earning a chance to work on the film.

To keep a career going, you kinda have to do this sort of thing. And it's fun.

Key point, though -- there's an old saying in Hollywood: "Get them into your film before they get you into theirs." Giving notes and reactions and doing roundtables is time risk, pure and simple, and has to be managed, to not interfere with your own work and deadlines.

#25: Contract Delays

One time risk issue of particular impact on screenwriters: contract delays.

It's very exciting to sell a pitch to a studio, whether it's an original, or perhaps an assignment. Your agent calls, and dollar figures get tossed about. It can be hard for even the most experienced professional to keep in mind that the actual 'paycheck in the mail' is not likely to arrive for nine months to more than a year.

How is this a time risk issue?

The danger is you let yourself be fooled, you think you have a job, you're employed, and more importantly, your representatives think you're 'tied up' and committed, so they stop seeking additional opportunities. Months slip past, negotiations drag on, executives go on vacation or fly out to Sundance (there is always an excuse), each side claims the contract is on the other person's desk, etc. Eventually contracts are signed, and the screenplay written... revisions are completed... and then the process of job hunting and pitching begins again, more time passes, you get a job, and all the contract delays repeat. Fine, but this can unwittingly become a one-assignment-every-two-or-three-years pace, and that won't sustain a career.

Compare this to the life of an actor, or a director, where the contracts have to be finalized fairly quickly, because production is imminent.

Ironically, the first thing a writer should do upon setting up a deal is go home and start work on a spec. The spec will be done before the contracts are ready. Or look for a rewrite job on an independent film, or go pitch another project, or make a webisode series.

Or you could adopt my strategy -- once the basic deal terms are agreed upon, ignore the business side and start writing. Many times my first draft is completed before signature contracts are printed (or 'commencement' money paid). This gives you some leverage -- you tell them you have a draft ready, you're just waiting to sign the deal. This keeps positive vibes going on the creative side, and helps maintain momentum toward production -- as soon as the contract is signed, the draft is ready to read.

Also, half the time if negotiations stall, it could be your own team that has drawn a line in the sand. But when you tell them the work is already done, it helps them find common ground.

Some contract delays can be truly disruptive. The studio will 'hold off' on the writing deal until the underlying rights are secure. Or they won't make your deal until the producer deal is done, and they won't finish the producer deal until the actor deal is done, etc. Studios, producers, actors, agents operate on the belief that all screenwriters are independently wealthy, with no bills or expenses. And for the most part, the screenwriter has to act as if that is true, in order to fit in.

I know of one case where a writer had to wait over a year for commencement money, during which time his corporate status was suspended by the State of California because the delay meant that he had been unable to pay that year's taxes. Finally, the studio came through with a check -- but at the eleventh hour, the studio refused to release the check to the writer -- because his corporation was suspended. But of course he needed the check in order to lift the suspension.

Thanks, studio.

For myself, the most noteworthy case was the time the commercial VHS copies of Aladdin arrived in the mail -- along with the initial writing contracts, ready to be signed.

#26: Turnaround Costs

Reversion of rights and turnaround are industry policies designed to

alleviate time risk for screenwriters. The idea in each case is to give new life to projects, past the point where interest has waned in their original incarnations.

With reversion of rights, the screenwriter has the right, after a period of time, to re-acquire the property by returning monies paid, and shop it somewhere else. Turnaround is similar; at any time, if all costs are paid (plus interest), at the discretion of the studio, the project can be acquired by a new buyer. The essential difference is that with reversion of rights, the screenwriter can force a move, even if the studio is unwilling, as long as certain conditions are met.

These are valuable techniques and can lead to success.

For the screenwriter, there are two main obstacles: cost, and time.

Regarding costs, in a turnaround scenario, typically a studio will try to recoup all monies associated with development of the project. This can include writer fees (including other writers that might have been hired), pay-or-play fees, producer overhead fees, studio administrative overhead, and interest.

Sometimes these costs are not fair. Studios may tack a disproportionate share of the costs of a star or producer's overall deal against your project.

Example, the project Jingle, a Christmas movie based on the book The Forgotten Helper. The writer wrote Jingle for \$60,000; a second writer was paid about the same. The book option was around \$10,000. But the turnaround costs from Warner Bros were \$2.1 million. Sandy Bullock was a producer, and they charged a huge percentage of her overall deal against the project.

Clearly, these costs can become prohibitive to a third-party buyer, in which case costs need to be negotiated down.

That leads to the second potential issue: time.

To make a turnaround situation happen, or even a reversion of rights, requires shopping the project, and negotiations with the existing studio. Agents can be reluctant to take on this task -- because it's not a great time risk proposition. After all, the project has already failed at one location. Selling tainted goods is not the easiest of tasks. And give how time-crunched everyone is in the industry, a turnaround project is invariably put on the back burner, in terms of priority. Some scenarios involve multiple locations, and everyone wants favored nation deals. Even just getting a return phone call and official cost from a disinterested studio can become a major undertaking.

Turnaround loses much of its appeal if you can't physically get a necessary person on the phone.

#27: World Creation Subject to Whim Destruction

The original title of this column was planned to be World Creation Subject to Whim Destruction. Which I think is a pretty accurate summation of the job of screenwriting in general.

In my career, Godzilla has already been mentioned. But check out the marvelously detailed four-part series Godzilla Unmade, by Keith Aiken, exploring the development and production of that film.

More recent examples: my television series *Magical Law* lapsed when Gore Verbinski decided to direct *The Lone Ranger* instead. Our theatrical feature *Lightspeed* was put on the back burner when Disney acquired the *Star Wars* franchise. My version of *Dead Men Tell No Tales* was set aside because it featured a female villain, and Johnny Depp was worried that would be redundant to *Dark Shadows*, which also featured a female villain.

Of course there is also the possibility that all those screenplays simply sucked. But usually when I go back to read a screenplay that wasn't produced, it holds up, often better than the film that was eventually produced. Sometimes it just takes a single decision by a single person, often just a whim, to destroy years of story creation and world-building.

Non-production has a thousand fathers, production only one.

#28: Sue the Bastard

Here's something they don't teach you in film school.

A successful film career comes with lawsuits. For the first *Pirates of the Caribbean* movie, Disney was hit with no less than six plagiarism suits. All writers claiming we stole their work. (Not to mention we supposedly lifted elements of the video game *Monkey Island*, also stuff from the novel *On Stranger Tides*. Add that there was a first draft screenplay by other writers, and also a ride at Disneyland. With all that, why, the script practically wrote itself!)

Litigation is no small thing, you can be required to turn over your computer files, track down e-mails, give several days of depositions, search for old documents in the attic, also make strategy conference calls, and then the time spent at trial, etc. And all the while you know the assertion has no merit. Typically these are weak nuisance suits where the prosecutors are unabashedly looking to settle.

In addition to the Disney lawsuits, I've been sued by a producer (for failing to pay money that he had already stolen -- now that requires a truly elevated level of idiocy). Also a former manager, and since that case is ongoing, I can't comment.

But I will say the average screenwriter probably faces the most risk from managers. Typically, managers expect quite a lot of pay for quite a small -- or even non-existent -- amount of work. I know of one case where a screenwriter had a meeting with a manager, and mentioned a particular project. The screenwriter decided to go with someone else. A year later, that project got set up, and his phone rang. It was the manager, cheerfully congratulating the writer on 'their' new deal. When the writer protested, the manager threatened to sour the deal, unless he got his cut.

Twice the WGA filed lawsuits against me for failure to pay dues. Ironically, I stopped paying dues in order to make a point -- we had asked the WGA to investigate why Disney Studios didn't pay any of the required merchandising fees on *Pirates of the Caribbean*. The WGA legal department kept promising to investigate the matter, but after seven years, nothing had progressed, and I thought withholding my dues might get their attention.

It backfired.

While the WGA didn't have the time or resources to pursue several writers' cases against Disney, they quickly found the time and resources to file a lawsuit against me -- for non-payment of dues. I paid up, another few years went by, and I did it again, and again they sued me, and

again I paid up.

I suspect the point I was trying to make was just way too subtle.

That situation has an interesting ending, by the way. The affair was more or less resolved when a document was discovered from years prior, where the WGA had secretly (meaning without our knowledge) signed away our Pirates merchandising rights, in some kind of botched negotiating ploy.

So where did that leave us? Sue the WGA?

For me, I'm not a lawsuit kind of person.

You have to decide whether to spend your time in court, or being productive. I feel the opportunity costs are just too great. Who knows what wonderful project you might be giving up if you get caught up in court. My strategy is to just walk away from situations where someone doesn't want to deal with you on a fair basis -- court only makes the situation worse.

But unfortunately, one must fight back, if targeted.

#29: Gone in Sixty Seconds

As I have written elsewhere, I don't believe screenplays get stolen, but I do think basic concepts are vulnerable. (Technically, concepts by definition can't be stolen, a narrative is required, and ideally in a fixed form. But that's little consolation when your concept is stolen!) That's why I advise writers to be generous sending out their screenplays, and highly protective with their concepts.

I know at least one case where the evidence is pretty damning that an executive stole a film concept from a writer. The writer took a meeting and pitched a very specific film concept in the room. Three months later, the studio announced a project with the same central concept.

Now, I'm sure half the time, three months later the executive or producer has a sudden brainstorm and believes they came up with it themselves. Or maybe because there was a discussion in the room, they think that somehow counts for story invention.

Yes it's obvious, but I will say it anyway -- if your concept is stolen, that's a brutal form of time risk loss. And note that in the power structure of Hollywood, typically a director's work cannot be stolen, a producer's work cannot be not stolen, an actor's work cannot be not stolen. This particular setback lies solely in the risk profile of the screenwriter.

#30: Learning Curve

This list wouldn't be complete without inclusion of this last category, perhaps the most significant.

It might take a writer ten years, or longer, to develop their abilities. All of it time risk.

In the worst case scenario, the talent isn't there, and the abilities never arrive. Which is a bit of a chilling thought. Screenwriting as a profession has its issues, but not all of them can be blamed on the system, and you can't always point the finger at someone else.

Even a great writer might not be great at one particular moment, or trying to write that particular screenplay, under those particular conditions.

Sometimes the risk is in the mirror.

There is no more pure example of a bad time risk play than a stack of poorly-executed screenplays.

Here is where some might say you need faith. I'll put it differently .

To embark on a writing career takes guts, man.

And the path to success is unsparing. As Steve Martin puts it, "As to how to make it in Hollywood, I always tell people the same thing. You have to be so good, they can't ignore you.

So What's a Screenwriter To Do?

If you've read this far, good for you, I'm impressed.

You've put a lot of your time at risk, betting on this column.

In this next section, I hope to pay it off.

So far, this might seem just a litany of complaints, injustices and setbacks. You might conclude I hate time risk, and rue all the time I've put at risk over the years.

Not true.

Just the opposite.

I LOVE TIME RISK.

Time risk is a writer's power.

Time risk is a writer's superpower.

Each time you embark on a project, and invoke time risk, and shove those precious hours and minutes and seconds of your life into the fire, you conjure the potential to change yourself, your life, the world.

Your life burns away.

But your art is manifest.

When you create a property -- think of how amazing this is -- you invent a device that can shape the future. (How many professions can do that?) It might turn out to be only a short story that garners you a complimentary copy upon publication. It might be just a web series that wins an award or two, and some free equipment rental. Could be a play that you put on yourself, or a screenplay only a few people read, or that an agent sends around as a sample.

Even those smaller victories amount to bending reality to your will.

And if just one other person reads your story, you've accomplished the amazing feat of telepathy, transferring your imagined thoughts into

someone else's mind.

On the other end of the scale, with success, you change the course of people's lives, their careers, their families. Companies can grow or go bankrupt. Events occur that never would have occurred. A billion imaginations can be touched.

Yes, time risk can be cruel.

But those cruelties can, and should, grant you courage.

Time risk can help you change -- perhaps to leave a poor situation, or habit, or person, and search for something better.

Maybe help you embark on the road less travelled.

And time risk might even grant you wisdom, or at least ask the question, which path is worthy?

It can give you the impetus to start, and the determination to finish.

The trick is -- how to get time risk to work in your favor?

Buyers and Sellers

One of the most fundamental insights I've ever had into the film business was to be able to distinguish between buyers and sellers.

Seems easy, I know.

But Hollywood players are well-practiced in presenting themselves as buyers, for the prestige and power of it all. In truth, the number of actual buyers is quite small.

Agents are not buyers.

Agencies are not buyers.

Directors and writers are not buyers.

Producers are typically not buyers.

Production companies -- in the majority of cases -- are not buyers.

And -- shockingly -- most studio executives are not buyers.

Let's say you get your project to CAA, and they love it. Great! They shop it to Brian Henson at the Henson Company, a truly impressive guy by the way, he reads it, says he's thrilled and he wants to produce it. Dream come true! You have a few meetings there, maybe even do a revision based on their notes. Henson calls up the wonderful and lovely Jon Turteltaub, who reads it, loves it, is willing to commit as director. Wow! You're on a roll! But he has a few ideas, so you work them into the draft. They set up a meeting at Universal, and the executive there loves the presentation, and loves the draft. High fives all around! Before he gives it to his boss, he has a few notes, which you enthusiastically execute, and the project is officially submitted up the ladder.

Just about any writer, at this point, would be walking on air.

Now I so hate to burst the bubble, but --

So far, only this has happened: a group of professionals who, collectively, hope to sell a project, have assembled. And now they're going to try to make an actual sale.

Or more bluntly, a group of sellers has assembled to try to find a buyer.

You need a team, of course. And it's all heady stuff. You're sitting there at the Henson company, or talking with a producer of The Hunger Games, or the director of a James Bond film, and you think -- that's it -- I'm in.

But those meetings are a necessary but not sufficient condition. Beware of putting too much stock where sellers hype each other up regarding how much they love the project. Nothing progresses until a true buyer steps on board.

And that would be the studio executive, with unspent development money, who can commission a draft.

Here's how you make this work for you.

First, understand when you're in a room with fellow sellers, and temper your excitement accordingly.

Second, commit less time risk to fellow sellers -- and infinite time risk to an actual buyer.

Third, understand the real value of investing time with fellow sellers. The value is not just an eventual project sale. The real value is building your team.

Your Peeps

It's okay to burn up a bunch of time risk with fellow sellers.

But here's the rule. If you are going to put in a lot of time risk on a project -- years, in some cases -- working with fellow sellers, make sure you are building a team relationship for the future.

In one scenario, you could be working with Jake the producer who would just as happily set up a different project with someone else, and might not even consider you for the next screenplay job that opens up. You could get replaced at the drop of a hat. It's a one-off. That might be a good deal, might not, so temper your investment.

In another scenario, you work with a group of fellow entrepreneurs putting sweat equity into a startup company, and the startup company is your collective careers. It doesn't have to be a formal production company. But here's the key element, you know you would like to all work together on another project, if you could.

Under the second scenario, extended time risk is worthwhile.

Be a Producer

The real issue is whether you're a partner on a project, or an employee. As a partner, you share in the risk, and also share in the reward. As an employee, the up-front money mitigates risk, but you give up the upside reward.

Hollywood wants for you to be an employee. (That's why they have you sign that Work-for-Hire agreement, even on a spec screenplay which is clearly and legally not a Work-for-Hire.) Should the project go on to become a worldwide hit, you won't participate in the profits -- and are not guaranteed participation in subsequent opportunities.

That's giving up a lot, as you know. The most important thing: freedom from time risk.

I suppose it's not so bad, if you're paid for the upfront work.

But these days, they want you to be an employee -- and work on spec.

In other words, you give up any chance at the upside and opportunity for continued participation -- for nothing. Leaving you back dealing with the bleak reality of time risk issues, even in the event of success.

Not a good deal.

The exception -- if it's their project, perhaps an optioned valuable property, or they have a star attached, or a name director attached, in other words, they exchange something of value.

But if it's your property, the very first thing you should do is attach yourself as producer.

Yeah, I know, the agent will say it's impossible, and the production company will say they have a policy against that, etc. You can't be a producer if you've never been a producer. As Indy's pilot friend might say, "Show a little backbone." You simply have to be willing to walk away. You have to say, "I'm sorry, but my policy is to always stay attached to an original project as producer, to guard against the chance I might be replaced as writer." In the long run, that is the only sound policy.

You must stay attached to your original IP.

Own Your IP

In today's world, IP is everything.

The ultimate path to power in Hollywood is to own intellectual property.

Consider J.K. Rowling. If she had written the screenplay version of Harry Potter, if it garnered any interest at all, she would have been forced to sign over ownership to some corporation, for a low fee.

Instead, she wrote the novels, gained worldwide following, kept control of her IP and reaped hundreds of millions.

Unfortunately for screenwriters, the IP path is only available if you first work in another field, such as plays, novels, comic strips, short stories, or graphic novels, and to some degree series television.

Consider writing your screen story as a YA novel, and then optioning the screen rights. Retain the sequel rights; if the project falls apart, it's not dead, you option the property again. If the film got made poorly, you could authorize a remake after a few years, or even sell the property into a variety of mediums.

This is maximizing the value of the time risk by creating multiple opportunities for the work.

In short: write the novel. There is no sense to ever writing any feature screenplay without writing the novel version concurrently, or initially.

Adaptations

Often, it's less effort to complete a screenplay based on existing material, rather than do all the heavy lifting yourself. In the world of time risk, that becomes a consideration. If an adaptation takes four months to complete versus eight months for an original, it makes sense to target a few favorite adaptations.

Either acquire underlying rights yourself, or attempt to pitch existing properties.

And consider the public domain. Producer Lionel Wigram kicked off the current Sherlock Holmes series by recognizing the character was public domain, then creating a twenty-five page comic book with John Watkiss. It may be stating the obvious, but it would have been far more difficult, risky, and time-intensive -- and perhaps even impossible -- to invent a new classic character from scratch, facing the blank page.

Start or Finish

Here is a great time risk technique, something I wish I had known starting out:

Initiate projects, or finish projects, don't waste time in the middle.

If you write a book, that's it, you'll always have the book, and the film people will keep coming back to you for options, over and over again. They have to, because you were there from the start. On the other end, if you can get hired for a production rewrite, well of course that's golden, because the decisions you make will actually show up on screen, and that's the only way to truly learn the job.

It's the middle part that kills you.

Also known as Development Hell.

This includes drafts done while assembling the team. Drafts done for the agents, drafts done for the creative executives, drafts done for the director. Essentially any draft done on a project that does not have a green light. In animation, it's that middle couple of years where (as we used to say at DreamWorks) they want to see 'the best version of every bad idea.'

For the screenwriter, quite often, your best strategy would be to simply write the first draft, and then walk away. Sure they have notes, sure they need a revision, sure the director has ideas, etc. Great. Do they really need you for that? Look at it like this. Either the project will get made, in which case, you get to see your story up on screen, you'll get credit, and that could help lead to another job. Or the project will not get made, in which case, by walking away, you've dodged a huge chunk of time risk. (There are even scenarios where the payment for a writing step is deducted from the production bonus, so if the project gets made, you don't get paid any more than if someone else had done that interim work.)

What if, instead of churning your wheels with revisions, you spent

that time writing something new? Isn't it better to create two projects instead of one?

An example of start or finish, consider the film National Treasure. Studio executive Oren Aviv and producer Charles Segars hatched one of the all time great high concepts in the history of film: what if there was a treasure map on the back of the Declaration of Independence? They wrote up a one-page treatment that outlined the basics of the story. Subsequently work was done to fashion the film by screenwriters Bob Bridges, Jim Kouf, the Wibberleys, Elliott & Rossio, working for several years.

In the end, that one-page document, which couldn't have taken more than a day to write, earned Oren and Charles (a pair of non-WGA writers) co-story credit on the film. It was smart to be first. Yes, that document was truly golden, and in fact did outline the compelling screen story and point the way for various story opportunities used in the film. But other writers then toiled, working out the characters, character relationships, plot and dialogue, etc. -- and received no credit at all.

You might want to consider the advantages of a 'one-step' deal. That would be, a deal without additional pay for revision steps or a polish step. On the one hand, this makes it easier for you to be replaced ahead of production. On the other hand, you avoid massive amounts of time wrestling with story notrs, executing drafts of little value.

The Snake in the Grass

At the start of your career, time risk can become your ticket, your self-printed invite to the party. Because you have an advantage over established pros, if you play it right .

You can spend an inordinate amount of extra time to craft your breakthrough project.

If you're young enough, you could work ten years in a plan to burst on the scene overnight.

Let me take you back to the start of my career, working with my writing partner Ted Elliott. We heard secondhand from a high school friend that a television director was looking for a feature period drama along the line of The Wanderers.

So we wrote one.

No meeting. No phone call. Not even an offer to read. The director didn't even know we were doing it. On just the secondhand rumor of potential interest, we spent the time to write an entire spec screenplay.

Nothing came of it.

We had time risk to burn, baby! It was part of our process to train ourselves, which we continued for five years, before showing anything to anybody.

Time risk can be the coin that unlocks access, and that is no small thing.

True Detective

Time risk can goad you into adopting a professional approach. And that's a good thing.

Often, there is a "We don't need no stinking badges" Wild West nature to Hollywood, and that can seduce you into a laid-back, undisciplined approach. But get burned a few times by time risk issues, and you vow to up your game .

So you learn.

With a producer, you ask certain questions, like, "Do you own the underlying rights?" and "When does the option expire?" and "Have there been previous drafts written?" and "Who has ultimate approval to green light this film?"

Clearly, you want to avoid a line of previous writers, or instances where the option expires soon (creating an orphaned draft), or scenarios where there is not a legitimate path to production.

With an agent, if you have one, you ask, "Is this a paid job?" and "How many other writers are pitching on this?" and "What other projects do they have in development?"

Also, you learn to investigate the ladder.

Pitch as High Up the Ladder as Possible

The title of this one says it all.

For the project Masters of the Universe, the producers (Jason Blumenthal and Todd Black) did a single conference call, then had me pitch straight to the studio executives (Hannah Minghella and Devon Franklin) along with Julia Pistor, representative from Mattel. After two meetings, there was one pitch up the ladder to Doug Belgrad, and then finally Amy Pascal, who made the decision to extend the underlying rights and go to script.

That was a dream experience, as good as it gets. The appropriate amount of effort to organize the team and the presentation, and then on to the actual buyer for a final decision.

A total of five meetings -- then an offer.

You can't expect much better than that, for an assignment.

On an original story, the ultimate win invokes the phrase, "They bought it in the room." That's the gold standard. One meeting with the actual decision maker, usually the head of the studio, one pitch, and they won't let you go anywhere else, they're on the phone with your agent before you finish the complimentary bottle of water on the way to your car.

Double-Booking

Creatively, it's best to work on one project at a time.

Realistically, you have to book as many projects as you can.

I know, writers out there want to slap me. It's difficult enough to land one assignment, let alone a second or a third.

Understood.

One solution is to be always working on a spec. Start your work day with an hour on your own project ("pay yourself first") before moving on to the thing you're doing for someone else. Or work on one screenplay with a writing partner, and one on your own. Perhaps you can be outlining one while writing another, thus using different parts of your brain. Or workshopping a play while writing an assignment. Another strategy (suggested by my agent) is to act like Jake the producer, and induce some other writer to write your project (very time risk savvy).

The challenge, if you have an agent, is to train the agent that you need work, even though you currently have work.

Agents will point out that you're busy, and you should be writing. Of course they are right. My response is to say, "I'm looking for a job for next summer." Even the pro agents react with shock, but then you step them through. If everything goes well -- find the assignment, come up with a take, have the meetings, pitch up the ladder, get the job, and work out the contract -- the entire process, start to finish, can easily take a year. If you start that race after finishing your last job, you'll be unemployed every other year.

Again, if you have an agent, it's best to get them to understand that as a screenwriter, you are perpetually unemployed.

And here's the beauty of double-booking. It is virtually impossible to do. Even if you try your hardest, it almost always works out that projects don't happen, or get delayed, or the contract has issues, or everything gets put on hold for the underlying rights, or that you can work on one project during the reading time of another, especially if you're waiting for notes, etc.

You can attempt as many projects as possible, and somehow, at best a writer might book two or three a year, a manageable workload.

The Director Gambit

Because directors (or 'filmmakers' as they are called by the development folk) rule the kingdom, one potential strategy is for a screenwriter to align themselves with a director, either attach a director to a project, or work with a project where a director is attached, or simply meet with a director and ask, "What film have you always wanted to make?"

I'm a huge fan of Marc Webb, so I went to him with exactly that offer. Marc was passionate about a lovely screenplay written by Leslie Dixon which he hoped to revise, titled *Accidentally Yours*. We were able to set it up at Paramount. (Remember the line, get them into your movie before they get you into theirs? In this case, I loved the project, and was deliriously happy to get onto that film.) Another example, my wife Jocelyn Stamat and I co-wrote a project for director Timur Bekmambetov titled *Ivan, the Fool*, based on the Tarot card deck. This was set up through independent financing. And finally, working with director Robert Rodriguez has been a blast, on both *Jonny Quest* and *Fire and Ice*.

The approach comes with caveats, though. The Marc Webb project had to wait while he shot *Spiderman*, and then *Spiderman II*, then the pilot for *Limitless*, and then on to *Gifted*. Timur's project got put on hold when he went off to shoot *Ben-Hur*.

And in the midst of developing *Jonny Quest*, Rodriguez got the offer from James Cameron to direct *Battle Angel*.

But that also proves the strategy to be sound, as clearly top directors are often the key component to a green lit picture.

Get Into Production, Now

If this column has impressed anything upon the reader, it should be this .

Get into production, now.

In any way possible.

Filmed entertainment is a gypsy industry. The caravan moves on. It shifts and changes. Popularity is fleeting. And much as I hate to say it, 80% of something that gets made is worth more to you than the perfect project that is never finished.

I wrote a tweet that said: "The good times you have while planning the great times to come turn out to be the great times you had." I'm going to twist this around a bit, and apply it to movies .

Quite often, the film you make because you can't make the film you want to make turns out to be the film everyone is glad you made.

Filmmakers typically work under less than ideal circumstances. Let's use the film Tremors as an example. At the time, the filmmakers think they are making a B-movie homage, the actors worry that it's a little goofy, the effects people are still trying to establish themselves in the industry. There's not enough money or time, everyone knows they're not aiming for great art, they're just trying to get a film completed.

And they end up making great art.

Director Robert Rodriguez said something profound to me once, talking one night about creativity. I believe he was repeating a story he had heard, though it could have been an original parable. Paraphrasing, he said, "So there is this pottery class, and the goal for everyone is to make the perfect clay pot. Half the students are told, make just one pot, so it can be perfect. So they research, they study, they design, they put all their effort into this singular focused attempt, trying to reach perfection, and the results are invariably dismal. Now, the other half of the class, those students are told to simply make as many pots as they can as best they can in the time that they have. In that group, there are a bunch of terrible pots, but among them, invariably, there will be one or two pots that come out perfect."

This is not to say, lower your standards.

It is to say, work to your highest standards in the time you have with the highest level of productivity.

Consider the films of Woody Allen. He directed such films as What's Up, Tiger Lily? and Play It Again, Sam. At the same time writing for television, writing plays, and hosting shows. Now these films may be considered quaint, dated, or simply lesser efforts, but they become necessary stepping stones to all his subsequent work.

You have to create, finish, get it out into the world, and then go onto the next.

I sometimes use this concept for motivation.

Think of it like this: a deadline is not just the deadline for your current project. It's a deadline for every project down the line that isn't yet started or finished.

The progress you make today, on that one project, counts as moving all those future projects closer to reality.

As a final bit of incentive, let me comment on a pair of artists who I think are doing it right. Check out online, the musical comedy duo Garfunkel & Oates.

Say what you will about their sense of humor (The Loophole is particularly scandalous), the key point is these two are making movies (short films or music videos) as opposed to trying to get films made. They are getting the experience of lights, camera, action. They have product to show. They may be working in another medium, but I would argue, they are much further along toward the goal of gaining creative authority for a film than most screenwriters.

Short Films

There are so many instances of famous filmmakers who began by making short films, it must be mentioned here as an effective strategy. Short films are tough, they can be expensive, but short films kill time risk.

Any time you're rolling film through a camera (or pixels onto a flash drive), time risk has gone running to hide, to cower in the dark shadows under a bridge with a family of Regret Trolls on the banks of the river What Might Have Been.

Some noteworthy examples:

Robert Rodriguez with Bedhead. George Lucas with Electronic Labyrinth. Tim Burton with Vincent, and later, Frankenweenie. Brad Bird with Family Dog. Wes Anderson with Bottle Rocket. Sofia Coppola and Lick the Star. Neill Blomkamp, Alive in Joburg. Doodlebug by Christopher Nolan. My Best Friend's Birthday by Quentin Tarantino.

Benh Zeitlin, Glory at Sea (precursor to Beasts of the Southern Wild).

Jared Hess with Peluca, the precursor to Napoleon Dynamite.

To clarify a point: it's not that you make a short film to prove to the world that you should be allowed to make films. You make a short film to prove -- to yourself -- if you should not be allowed to make films.

If you don't crash and burn, if some massive chunk of talent asserts itself, your fate is sealed.

You must proceed.

And you know any amount of time you spend is worth the risk.

Become a Director

The point has been made. Repeatedly. Just do it. Become a director. All right?

You can remain a screenwriter and stay at home perfecting your written projects and read in the trades about the next film planned by your favorite director, over and over again for the next thirty years.

Or you can go out and be that director, and make those films yourself.

Television

This column is not about television, cable series, or streaming video series. Those are entirely different sports. But I will say, one big advantage to television and cable is that, in success, additional work opportunities are generated -- by design. Your series gets picked up and you have a season of episodes to write and produce. A hit show generates a second season. In fact, the goal of television is to never quit making television.

Compare this to features, where the perfect film -- say, *The Sting*, or *Casablanca*, or *Big Fish* -- is designed to be a one-off, complete, and done.

Which is not to say that all television projects guarantee further work.

Plenty of shows don't get picked up or get cancelled.

But if you get any chance at all to work the series format, instead of features, and you can handle the work -- I say, jump at it.

Sequels

The closest we come in features to the (potential) job security of television is with the much-derided sequel.

I know, I'm sounding quite mercenary here in this section.

Okay, let me be clear. You should write the story you most want to tell, the one you have the most passion for, and forget everything in this column, or any other column, or any other book for that matter.

Passion and quality trump all.

Having said that -- as Violet Crawley might say on *Downton Abbey*, it's just as easy to fall in love with a rich man as a poor man.

All things being equal, if you have two projects you're considering, and one has obvious sequel possibilities, and the other is clearly self-contained, the edge goes to the potential franchise.

There is more upside for yourself, and others, if your film generates sequels -- something the studio will recognize as well, giving you an improved chance to land in production.

Note the Direction of Notes

I hate that Hollywood hustle game.

Where everyone you meet you judge as to whether they can help you, while they're looking at you judging whether you can help them.

For the record, I have always given notes, responses, advice and help to those above me, below me, and beside me. My adjustment on time spent is mostly based on the quality of the concept or the material.

Having said that, I have noticed, spending time giving notes to people above me in the Hollywood power structure has at times turned out to be personally beneficial.

Giving notes upwards, so to speak, can turn out to be an impromptu, unofficial audition. Perhaps not for the project at hand, but something else down the line. The key to this is that your notes have to be useful and helpful, perhaps even insightful. But that's the subject for another column.

For our purposes here, if your time is limited, it makes perfect (opportunistic and self-interested) sense to put your absolute best effort, and the most time, into those upwardly-mobile notes.

The Stop-Loss

This is a key time risk strategy.

Set a stop-loss on projects.

This can be very difficult. Like investing it can be very difficult to cut losses and walk away when the investment goes south. We can become emotionally invested in our choices, it is hard to admit a mistake, and we tend to want to throw good money (or time) after bad.

On a project that has gone south, usually there is one toxic person in a key position of power. If that's the case, it's almost always better to walk away, because you can't teach people how to think, it's impossible to corral all the different ways in which someone can make a bad choice.

If you do move forward on a soured project, insist (at least) on a similar level of effort from others.

Notice when you're the only one pulling the oar, and say something about it.

The Phone Call

One thing I can accomplish here, of value, is to prepare the reader for the phone call.

That phone call.

Turns out that producers, studio executives, agents, and directors, since they are not conversant in time risk, often botch the thankless phone call that must be made to the writer, when the decision is made to 'go in a new direction.'

Now please, this is absolutely no indictment of the producers, studio heads, agents or directors, who make such calls. In the vast majority of cases, that call never happens -- the project just moves on, and after months or years of work, the writer simply hears nothing. E-mails and text messages suddenly get ignored. In Hollywood, if you have to prod to get an answer, the answer is never the one you hope for, so you learn to not prod.

In those cases where the call is made, that shows immense respect to the writer, and those involved deserve praise. And one can hardly hold them to blame for a possible lack of sensitivity, this is business after all. But I just want you to be ready, so you don't react poorly. I had a producer call to excitedly tell me I'd been replaced on a project by a

different writer that everyone loved. This new writer's pitch on the project was great. "Don't worry," he said, "It still has the bones of what you've done." He clearly expected equal excitement in return, and praise for the success of moving the project closer to production.

You have to look at it from their point of view. They're trying to put a man on the moon, a nearly impossible task. Anything that gets them to out of Earth gravity is a plus. That the writer is treated as a booster rocket, falling ignobly and anonymously back to earth, having done their job, is worth no tears.

I had it happen just this week. The producer calls. "Great news, the studio loves your draft! And now we're out to directors!" "Excellent," I reply. "Oh, and I spoke to Writer-Director SuperCool, who is on board." "Fantastic" I reply. "Yeah! He has a different way into the film, something he pitched me years ago, but it would great to get him."

That sounds innocuous enough. But let me translate for you. "A different way into the movie" means the following: a) You're off the movie. b) All that work you did for the last nine months was for nothing. c) you won't get credit even if the film is made. d) there goes your production bonus and possible residuals. e) the executives never really backed your vision and the creative content of the film is back up in the air and could possibly turn out terrible. f) our relationship is over, and this is the last phone call you'll ever get from me.

So here's the thing. In that moment, this is what is expected of you, and so this is what you need to say: "That's fantastic news! God, that's going to be a great movie if it works out! Let me know how it develops! I'm so jazzed!" And then end with, "If you need me for anything at all, call or text!"

Thus you leave the person on the other end with a good feeling, that they've done their job, you've established yourself as a professional, someone who is not going to make a tough process all the more difficult by getting emotional, or dwelling on the ugly truth of things.

And this is not just a Hollywood kiss-the-air affectation. You have to believe it. To use a sports analogy, it's best to treat Hollywood like you're a major league baseball player. I don't know how they do it. They get four, maybe just three at bats each game. Their career depends on those few at bats. They might get a bad third strike call, they might hit a line drive straight to an outfielder, they might get fooled on a pitch and simply swing and miss. But they keep their cool, their focus, their professionalism. It's the nature of the game that outs will be made, if they fail two out of three times, they make the Hall of Fame. Every at bat is important, even those that don't work out, as you can't only choose the scenario where you hit a home run each time.

The Money Guy

Here I hope to save many readers a lot of time.

One common strategy to circumvent the tough odds in the studio system is to pursue the indy film world. It's a viable strategy, but fraught with its own dangers.

Let me tell you about 'the Money Guy.' (I know I should use the more gender neutral 'Money Person' but for me it's always been a guy.) After dozens of interactions with these types, on behalf of myself and others, here is Terry's iron-clad rule of the Money Guy: the one universal truth of the Money Guy is that he doesn't have any money.

Another way to put it -- you will discover the Money Guy has even less money than you do, and oddly, less of an ability to raise money than you do.

To clarify, one can find great success in the independent film world, if you're dealing with a reputable company that has distributed films before. It happens every day. I'm talking about the fringe, friend-of-a friend-who-knows-a-guy-who's-looking-for-a-project-scenario.

Here's how you can spot the Money Guy:

- the meetings will all take place at Starbucks, or a low-end restaurant. If you do ever see the production offices, they will be a newly-rented closet-sized office with blank walls, a broken mini-fridge in the corner, never an assistant.

- the promised production funds will have some kind of exotic origin, such as Saudi Arabian oil fields or an Indonesian copper mine.

- this one is a guarantee. The company with the money will always -- always -- have just completed some much larger and elaborate previous project that costs in the billions. Therefore the paltry \$30 million required for this film will of course easily come through.

- the Money Guy doesn't have the money himself, of course, but he is the liaison to the real Money Person (this person is often a woman) who will be perpetually out of town. If you ever do meet this second Money Person (unlikely) they will turn out to be only a key representative to the shadowy Decision Maker also perpetually out of town, whom you will never meet.

- the highest priority of the Money Guy will be to negotiate the terms of his 'cut' of the eventual deal. This is often done in conjunction with getting you to sign an NDA. He will be very proud of this document, and refer to it as the NDA, never the longer 'Non-Disclosure Agreement.' You are not allowed to disclose to anyone the secret source of money, nor are you allowed to have a meeting with the real Money Person without the Money Guy present.

Let me add a few words regarding the NDA, as this took me years to figure out. On the face of it, the NDA seems legit, it's presented that Money Guy needs some assurances before revealing his precious and valuable source.

But one day it hit me. Wait a second. Shouldn't that protection come from an agreement between the Money Guy... and his source, Money Person? If the Money Guy were truly an appointed representative of the Money Person, the two of *them* would have the details of their agreement worked out in advance. The fact that the Money Guy needs an NDA with the creator reveals the unhappy truth -- the Money Guy is a fellow seller, and whomever he's planning to approach (if anyone) might never have heard of him, or might even be sick of the sight of him.

Incremental Progress

Let me turn you on to the joys of incremental progress.

As opposed to the more common, project-by-project way of thinking.

The project-by-project way of thinking goes like this. You come up with a project idea, and you start to work on it. If it's self-generated

with no deadline, you work on it as much as you can. You have a vague image of a finish line that you have to find. And the more you work, the farther away the finish line seems to get. Sometimes you abandon the project, or move on to something else, leaving that nagging feeling of unfinished business.

In the case of a project with a real deadline, you carve out the time to make that deadline. The last week on a large project may involve a series of all-nighters. After it's finished, there is a recovery period. You send the project out in the world, and whether it gets a good reaction lets you know whether the time you put at risk to create it was worthwhile.

In the case of the self-generated project, if you don't finish, you feel a sense of time wasted. If you do finish, you hope for the project to justify the time spent. If it sells, or gets made, or leads to something, then the time was worthwhile; if not, then, not.

Okay, I'm going to suggest -- forget all that.

It's no way to live, stressful, and too harshly ties time spent to specific results on specific projects.

Instead, adopt the technique of incremental progress. (I've just switched over to this myself in the last two years.) What you do is what all the books and other writers and advice people tell you to do. Every day, commit to a certain incremental amount of work. You could describe this as giving yourself a small deadline every day instead of a large, looming deadline a month from now.

So every day, you write part of something -- because that is what you do. You're a writer. You don't worry at all about long term deadlines, because in writing every day, you will naturally be productive enough to make all deadlines. And here's the important part. Because you're not wrapped up in the pain of the investment of a single project, you don't tie your efforts to anything that demands results.

Think of it like this. I hope to write one sequence a day during the work week.

If I accomplish that, in the course of the year, I will have finished ten screenplays.

And since my goal is to write a sequence a day, I don't tie my investment to any results. Writing one sequence a day is simply what I do. It will result in ten screenplays. It doesn't matter to me which one of them sells -- hopefully at least one will sell. But if none of them sell, it doesn't change anything. I don't feel the pain of failure, because it's not reinforced by the pain of creation. When the next year comes around, I still have my daily deadline.

Follow that, and everything else takes care of itself.

Start an Animation Studio

Had to say it.

On the Wordplay message boards, one of our contributors, Tom Scott, put it best.

"The truth is, there's no ladder to climb," Tom said. "There is no gate, nor are there gatekeepers. There are only those who are making

movies and those who aren't. The professional eyes browsing your work on Inktip are in the same boat you're in. But my friend who taught himself animation, made a short, put it online and got a movie deal is in the same boat as Neill Blomkamp, Quentin Tarantino and James Cameron."

"That's the boat you want to be in," Tom concluded. "And there's plenty of room for anyone who ever wants to climb on board."

This Train is Bound for Glory

Here we are. The end is at last in sight.

Time risk.

Nothing is more fundamental. I am haunted by the Andrew Lloyd Webber song All I Ask of You, the lyrics, "Say you'll share with me one love, one lifetime." The idea that one love is equal to one lifetime, tying together time with passion, and asking for each together (and being willing to give each together) is just crazy brilliant.

A poignant and powerful lyric, when applied to love.

Or your life's passion.

When I was a college student at the University of California at Irvine, my very first theater class, the professor lectured for three hours about the arts, about how the days of our lives would burn up, one at a time, so which particular fire, meaning your career, might be worthy for you to be consumed?

It was moving and memorable.

He tied together art, to time.

The beauty of being a writer is that you can instigate projects, you can make that choice of how to burn up those moments of your life.

Producers must search, and struggle to find something worthwhile.

Directors must search, executives must search, actors must search.

Only the writer invents from nothing.

Here I want to invoke a train analogy. Going back to Tom Scott, from another one of his posts on Wordplay. "The so-called gatekeepers," he wrote, "don't want to help you. They want to see if you can help them. You have to be a train streaming down the tracks with room on board, instead of a stranger asking for a ride. No easy task, but that's why I trust it."

It bears repeating.

"You have to be a train streaming down the tracks with room on board, instead of a stranger asking for a ride."

Here so here is a final, anecdotal story. A writer who became a train, streaming down the tracks.

Let me tell you about the Hop Li dinners.

In the early nineties, producer Michael Engelberg hosted a series of once-every-two-months dinners, at the restaurant Hop Li in downtown Los Angeles, in Chinatown.

These were known as the Hop Li dinners, and they were fabulous. Invitees would gather around a large round table. Michael would order, the food would arrive on a huge lazy Susan, it would spin around, tales would be told, and I had to force myself not to take more than my share of the slippery shrimp.

They were attended by luminaries, to me, at the time, a writer just starting out, with my writing partner Ted Elliott. The guest list included Len Wein, Melinda Snodgrass, Terry Black, and Alan Brennert. One night astronaut Deke Slayton was a guest. How strange to shake the hand of one of the nine men to walk on the moon? I was young and green and frankly outclassed by these more worldly, more successful, and more knowledgeable and talented writers, happy to just sit there and eavesdrop as they talked shop.

One of the writers at the table was the esteemed George R.R. Martin. Hugo winner for Sandkings, author of Fevre Dream and other celebrated novels, showrunner for Beauty and the Beast, editor of the Wild Card series.

Your basic writing God.

One night, George sat down and announced to the room, rather abruptly. "That's it! I'M QUITTING HOLLYWOOD!"

And he actually slammed his fist down on the table.

"George, is everything all right?" someone asked.

"No!" he answered. "I'm not going to put up with the crap any more. The notes, the restrictions, the politics, the ineptitude, I'm through writing for idiots." He had a gleam in his eye. "I'm SERIOUS," he said. "I'm DONE."

"But, George, you have contracts, commitments..." At the time, I believe, George may have owed a rewrite to a producer seated at the table.

"Sorry, I can't do it!" he said. "I'm leaving town. I'm moving. I'm going to live in Santa Fe, and I'm going to write my fantasy novel. And it's going to be vast, and complex, and full of sucking and fucking and murder and torture, all the stuff they would never let me do, it's going to have huge armies and be so expensive and complex and controversial and twisted and weird it could never be put on film, Hollywood won't dare to touch it!"

I like to imagine George in a convertible, piled high with his stuff Beverly Hillbillies-style, rocking chair tied to the top, headed east, ripping off the rear view mirror and tossing it up high over his head, then, with one hand on the wheel, thrusting his arm out the window giving Hollywood the finger as he crossed the state line, cackling like a madman.

I'm pretty sure that's close to how it happened.

George left Hollywood behind... until they came crawling back to his door all the way out there in Santa Fe.

Because that fantasy novel he left town to write turned out to be Game of Thrones.

The ultimate demonstration of time risk.

You showed 'em, George!

You didn't need Hollywood, never did.

Turns out, all along, Hollywood needed you.

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