

"Art of the Deal"

By Saul Rubin

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It took only a few short months in 1979 for Mark Litwak to discover just how fickle Hollywood could be.

After leaving Albany, N.Y., where he worked as an attorney for consumer advocate Ralph Nader, Litwak arrived in Los Angeles pitching stories to Hollywood based on his legal experiences.

He quickly landed a producing job that paid him four times his lawyer's salary. He was the darling of the cocktail-party circuit, the man with the beat-up Chevy who had such fascinating, true-life tales to tell.

But a few months later the studio president who hired him was gone, and soon after so was he.

He learned, ultimately, that movie making was a lot more complicated than he had ever imagined. After five years struggling to make it on his own, he abandoned his creative pursuits to become an entertainment lawyer.

Now the Santa Monica attorney has written what may be the most essential how-to book for aspiring filmmakers. It has nothing to do with script writing, camera angles or creativity. Instead, *Dealmaking in the Film & Television Industry* (Silman-James Press) is all business.

The book's intent reflects a lingering Nader-like concern of Litwak's to protect the little guy. It details all aspects of contract negotiations with an aim toward preventing Hollywood novices from getting cheated out at the business end of their projects.

"There is a tremendous number of people out there who are very talented in their craft but are like lambs being led to the slaughter," he says. "They don't understand the practices of some of the predators of the industry, so they get screwed on the deal."

The book is intended for non-lawyers who have a story idea or a script and are on the verge of approaching someone in the industry. Chapters include sample contracts that provide maximum rights and protections for would-be writers, directors and producers. In plain language, he leads Hollywood neophytes through the intricacies of copyright laws, creative accounting and distribution contracts.

In short, like a good entertainment lawyer, he wants to make sure his readers get the greatest value for their products and skills with the least risk.

"My own experiences were quite valuable. I grew up as an outsider. I never took a film course. When I came out here, it was like coming to a totally alien culture," he says. "That's enabled me in some sort of perverse way to see what's going on with a certain perspective."

It's hard to imagine a Hollywood without the constant shmoozing, car-phone banter and power lunching. But, Litwak points out, in its infancy Hollywood focused on making movies, not deals. Studio moguls simply locked up talent to long-term contracts, and that was the end of the wheeling and dealing.

Now, he says, studios hire on a picture-by picture basis.

“As a result, many more deals need to be negotiated,” he writes. “Imagine a football game where the players’ employment must be renegotiated after every play. The referee blows the whistle, and the agents and attorneys rush onto the field to consult with their clients and begin bargaining with management.”

A little far-fetched, he admits, but it’s close to the situation now in Hollywood.

At the very least, Litwak says, this book will help people who might otherwise have gone to negotiate for themselves without any outside help. However, he recommends that anyone seeking a deal in Hollywood hire an agent or entertainment lawyer to represent him. Then, he suggests, use this book to learn about key elements of every deal and cut down on the time you need to consult with high-priced help, who are paid by the hour.

Litwak teaches law at the University of West Los Angeles and also lectures on entertainment law. He has written four other books including *Reel Power*, in 1986, a more journalistic look at the film business.