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**LAW OFFICES OF MARK LITWAK
PRODUCTION CONTRACT CHECKLIST**

CLIENT NAME: _____ PROJECT/TITLE: _____

I. OVERVIEW

Please check all those contracts, which you believe you need:

Business Organization

Incorporation
Collaboration Agreement
General Partnership Agreement
Limited Partnership Agreement
LLC
Co-Production Agreement

Finance:

Promissory Note
Investment Agreement
Private Placement Agreement
Pre-sale Agreement
Network license agreement

Writer/Screenplay

Option\Purchase Agreement with Writer (to option a screenplay)

Purchase/Assignment Agreement (to purchase outright a screenplay)

Writer Employment Agreement (to employ a writer to create a screenplay or do a re-write)

Certificate of Authorship

Casting

Casting Director Employment Agreement

Actor

Principal Player

Day Player

Extra

Nudity Rider

Deferment Addendum

Minor Release

Will the Minor Agreement be approved by a Court?

Stunt Performer Agreement

Are any actors to be employed through loan-out companies? _____

Director

Director Employment Agreement

Producer

Producer Employment Agreement

Production Services Agreement

Production

Artwork Release

Location Agreement

Crew Deal Memo

Make-up and Special Effects Agreement

Product Release

Music Licenses

Film clip License

Still Photo License

Stage Rental

Are any persons being employed through their companies rather than by being directly employed? If so, list the companies and whose services they are supplying.

Post-production

Composer Agreement

Music Rights License

Editor Employment Agreement

Delivery Items

Certificate of Origin

Copyright Registration Certificate

Mortgage & Assignment of Copyright

Title clearance and report

Copyright Clearance and report

Clearance and Opinion letters

Dispute Resolution

Which state's law will govern agreements, and will the agreements have a dispute resolution clause for arbitration?

II. FOLLOW-UP INFORMATION

1. Title or proposed title of film/TV program: _____

Previous Title: _____

Estimated length of motion picture: _____

COMPANY FORMATION

If your production entity has already been formed, please supply:

Name of Production Entity or Company: _____

Production Entity is: An Individual doing biz under a fictitious name

A corporation. State of Incorporation: _____

A General Partnership. Name of Gen. Partner will sign on behalf of Partnership: _____

A Limited Partnership. Name of Gen. Partner: _____

A Limited Liability Company (LLC). Name of Managing Member: _____

3. Signer for Production Entity: _____ Title: _____

4. Production Entity address: _____

Phone: _____ FAX: _____ E-Mail: _____

Fed I.D. number or Social Security number for Production Entity: _____

OPTION/PURCHASE AGREEMENT

What is being optioned? Book

Original Screenplay

Screenplay based on another work.

Author & Title of underlying work: _____

Magazine Article

Play

Life Story Rights

Other: _____

Title of work being Optioned: _____ Author(s):

Publisher: _____

Has work been registered for copyright? _____

Name of Copyright Holder: _____

Copyright Registration No. _____

1. Consideration for Option: \$ _____

Length of Initial Option Period: _____ (i.e. 6 mos/1 year).

Consideration for 2nd option period: \$ _____

Length of Second Option Period: _____

Consideration for 3rd option period: \$ _____

Length of Third Option Period: \$ _____

2. Purchase Price payments (if option is exercised):

Feature Film: _____

T.V. Movie: _____

Mini-Series: _____

T.V. Series: _____ per 30 min. episode, _____ per 60 min. episode, and ____ for more than 60 min.

3. Screen credit that Author will receive: _____

WRITER EMPLOYMENT AGREEMENT

Writer(s) Name: _____ Soc. Security # _____

Writer Address: _____

Phone: _____ FAX: _____ E-Mail: _____

Agent: _____ Agent phone: _____

Writer is being employed to create the following forms of Work:

Script
Rewrite
2nd Rewrite
Polish

Is Writer a member of the WGA? _____

Are you a WGA signatory? _____

Fixed Compensation (i.e. guaranteed amount): _____

Bonus Compensation: _____

Deferred Compensation: \$ _____ flat fee or \$ _____ per week

Is deferment payable before or after investors recoup? _____

Additional: _____

Contingent Compensation: ____ % of 100% of net profits. Compensation:

DIRECTOR EMPLOYMENT AGREEMENT

Director's Name: _____ Soc. Security # _____

Director Address: _____

Phone: _____ FAX: _____ E-Mail: _____

Director's Agent: _____ Phone: _____
If Director is using a loan-out corporation, provide:

Corporate name: _____

State of Incorp: _____ Fed. I.D. # _____

Is Director a member of the DGA? _____

Are you a DGA signatory?: _____

1. Agreement dated as of: _____
2. Term commences on: _____
3. Director's Pre-production services commence on: _____
4. Scheduled date of principal photography commences on: _____
5. Production Company representative with final cutting authority: _____
6. Compensation:

Fixed Compensation (i.e. guaranteed amount): _____

When is it payable (i.e. installments): _____

Bonus Compensation: _____

Deferred Compensation: \$ _____ flat fee or \$ _____ per week

Is deferment payable before or after investors recoup? _____

Additional: _____

Contingent Compensation: ___ % of 100% of net profits.

LINE PRODUCER EMPLOYMENT AGREEMENT

Line Producer: _____ Soc. Security # _____

Line Producer Address: _____

Phone: _____ FAX: _____ E-Mail: _____

If Producer is using a loan-out corporation, provide:

Corporate name: _____

State of Incorp: _____ Fed. I.D. # _____

- 1. Agreement effective as of: _____.
- 2. Term of employment commences on _____.
- 3. Principal photography commences on _____.
- 4. Compensation:

Fixed Compensation (i.e. guaranteed amount): _____

Bonus Compensation: _____

Deferred Compensation: \$ _____ flat fee or \$ _____ per week

Is deferment payable before or after investors recoup? _____

Additional: _____

Contingent Compensation: ___ % of 100% of net profits.

Credit: _____

PRINCIPAL PLAYER EMPLOYMENT AGREEMENTS

For each Principal player please supply the following:

Names, Soc. Security #'s, Agents, Agent phone number,

For any actor using a loan out corporation, provide:

Corporate name: _____

State of Incorp: _____ Fed. I.D. # _____

1. Agreement effective as of: _____ Employment begins:

2. Guaranteed period of employment: _____

3. Work week (5 or 6 days per week): _____

4. Free Post-Production and/or Looping Days: _____

5. Compensation:

Fixed Compensation (i.e. guaranteed amount): _____

Bonus Compensation: _____

Deferred Compensation: \$ _____ flat fee or \$ _____ per week

Is deferment payable before or after investors recoup? _____

Additional: _____

Contingent Compensation: ___ % of 100% of net profits.

6. Outfits: Will actor supply any outfits?: _____

TITLE

1. Has film title been reserved under MPAA? _____
2. Has a title search been completed? _____, If so, by whom? _____
3. Has title been cleared? _____, If so, by whom? _____
4. Has title been used on any other film, book or literary property? ____.
5. If so, list:

SCRIPT CLEARANCE

1. Screenplay author(s): _____

Is this screenplay: Original Based on another work

If based on another work:

Title of underlying work: _____

Author of underlying work: _____

Attach copy of contract granting you the right to adapt work.

2. Was screenplay written as a work-for-hire? _____

If yes, name of employer/copyright owner: _____

3. Has screenplay been registered with the copyright office: _____

If so, copyright reg. # _____

4. Has the script been cleared by an attorney? If so, give name of attorney.

5. Are any of the characters in the script based on real-life individuals? If so, list each character, the name of the real individual, and the script page number(s) on which the references appear:

6. Is there anything in the script that is disparaging of any product or service, or portrays any real person in a negative light? ____ If so, list each incident, and the script page number on which it appears:

7. Is there anything in the script that an ordinary person may find to be an invasion of their privacy? ____ If so, list each incident, and the script page number on which it appears:

PRODUCTION

1. Planned start date of Pre- Production: _____
2. Commencement of principal photography: _____
3. Projected finish date of principal photography: _____
4. Weeks of second unit work: _____
5. Start of post production: _____
6. Completion of Post: _____
7. Locations (list every state and all foreign countries):

4. Circle the unions and guilds which you are a signatory to, or plan to become a signatory to:

SAG DGA WGA IATSE TEAMSTERS AF of M

Will the production be produced under a new media agreement or low budget side letter?

5. Are there any nude scenes? ____ Names of Actors in Nude scenes:

6. Are you employing any minors? _____ Names & ages:

7. Are you employing a casting director? _____ Name & SS#:

8. Are you employing a special effects person or company? Name: _____

9. Are you using a payroll company? _____ Name: _____

10. Is anyone being employed as an independent contractor? If so, please list names and describe services to be provided.

11. List employees offering their services through loan-out companies and corp. name for each:

12. Are you incorporating any film clips? If yes, list clips, source of each and whether rights have been obtained.

13. Are you incorporating any still photos? If so list source of each and whether rights have been obtained.

14. Are you placing any identifiable products in the motion picture? If so, list each product, the manufacturer or product representative and whether a release has been obtained.

15. Are you employing any stunt persons? If so, list names and SS#:

16. List Names of Producers, titles and SS #:

17. Are there any employees who are not U.S. citizens? If so, list each and citizenship:

18. Are you using a completion bond company? If so, list name, contact person and phone number:

19. Are you purchasing insurance? If so, please list the types of insurance and the names of the brokers and/or insurers and contact person for each policy:

If you are purchasing Errors and Omissions Insurance, are you obtaining any life story rights?

20. Film Laboratory (give name, address, phone and contact person):

21. Production Accountant: _____ Address:

Phone: _____ FAX: _____ E-Mail: _____

MUSIC

Which types of music will you be incorporating on your soundtrack:

_____ An Original Score (i.e. music created for the film).

_____ Pre-existing Music (i.e. songs that existed beforehand and were not created specifically for the film).

If you are employing a composer to create an original score, complete the following:

COMPOSER EMPLOYMENT AGREEMENT

1. Name of Composer(s): _____

Address: _____ Phone:

FAX: _____

If Composer is using a loan-out corporation, provide:

Corporate name: _____

State of Incorp: _____ Fed. I.D. # _____

2. Is the composition entirely original to the Composer? If the Composer's score is based on any pre-existing work, please list those works and their authors:

3. Has the Composer employed any of following individuals? If so, fill in their names:

Lyricist: _____

Musicians: _____

Vocalist(s): _____

4. Will the Composer be creating this score as a work -for-hire? (With a work for hire the copyright vests in you as the Employing party).

If the Composer will be retaining any rights, specify what rights the Composer will retain:

5. Has the Composer assigned any publishing, recording, performance or other rights to the composition, to any third parties?

6. Agreement Effective as of: _____ Delivery Date: _____

7. Compensation:

Fixed fee: \$ _____

Deferred fee: \$ _____

Payment schedule:

Will the Composer receive royalties for:

Any Soundtrack Albums released: _____

Sheet music: _____

Publishing: _____

The performing rights society which represents composer (BMI, ASCAP, SESAC):

If you are licensing pre-existing music to place on your soundtrack, fill out the following:

LICENSE TO USE EXISTING MUSIC

If you are going to incorporate pre-existing music on your film soundtrack, answer the following:

On a separate sheet of paper, please list for each song:

- 1) Title of song
- 2) Composer(s):
- 3) Lyricist(s):
- 4) Musicians
- 5) Singer/Performers:
- 5) Record Company or Record Label
- 6) Publisher:
- 7) Name, address, phone and fax for the person to contact in order to license these rights.