

100% FREE

Make your movie Now!

The Modern MovieMaking Movement

**Jon Reiss - Peter D. Marshall - Jason Brubaker
Norman C. Berns - Carole Dean - Gordon Firemark
Jurgen Wolff - Tom Malloy - Gary King - Sheri Candler**



www.ModernMovieMaking.com

No part of this eBook may be copied or sold.

...however...

**YOU are encouraged to GIVE this
eBook (*in its entirety*) to every
Filmmaker you know
For FREE!**

©2011 Brubaker Unlimited LLC
All rights reserved worldwide.

Brubaker Unlimited LLC
6767 Sunset Blvd. #153
Los Angeles, CA 90028

www.FilmmakingStuff.com

AND

www.MakeYourMovieNow.com

ARE

Productions of Brubaker Unlimited LLC

Thanks to Ian Hannin for **design consulting:**

www.IanHannin.com

Before we get to the [filmmaking stuff](#), here is some legal stuff...

EARNINGS AND INCOME DISCLAIMER

No Earnings Projections, Promises or Representations - For purposes of this disclaimer, the term "Author" refers individually and collectively to the author of this eBook and to the affiliate (if any) whose affiliate links are embedded in this eBook. You recognize and agree that the Author has made no implications, warranties, promises, suggestions, projections, representations or guarantees whatsoever to you about future prospects or earnings, or that you will earn any money, with respect to your purchase of this eBook, and that the Author has not authorized any such projection, promise, or representation by others. Any earnings or income statements, or any earnings or income examples, are only estimates of what you *might* earn. There is no assurance you will do as well as stated in any examples. If you rely upon any figures provided, you must accept the entire risk of not doing as well as the information provided. This applies whether the earnings or income examples are monetary in nature or pertain to advertising credits which may be earned (whether such credits are convertible to cash or not). There is no assurance that any prior successes or past results as to earnings or income (whether monetary or advertising credits, whether convertible to cash or not) will apply, nor can any prior successes be used, as an indication of your future success or results from any of the information, content, or strategies. Any and all claims or representations as to income or earnings (whether monetary or advertising credits, whether convertible to cash or not) are not to be considered as "average earnings".

Testimonials & Examples

Testimonials and examples in this eBook are exceptional results, do not reflect the typical purchaser's experience, do not apply to the average person and are not intended to represent or guarantee that anyone will achieve the same or similar results. Where specific income or earnings (whether monetary or advertising credits, whether convertible to cash or not), figures are used and attributed to a specific individual or business, that individual or business has earned that amount. There is no assurance that you will do as well using the same information or strategies. If you rely on the specific income or earnings figures used, you must accept all the risk of not doing as well. The described experiences are atypical. Your financial results are likely to differ from those described in testimonials.

COPYRIGHT AND TRADEMARK NOTICES

This eBook is Copyright © 2011 Brubaker Unlimited LLC (the "Author"). All Rights Reserved. Published in the United States of America. The legal notices, disclosures, and disclaimers at the front of this eBook are Copyright © 2009 **Law Office of Michael E. Young PLLC**, and licensed for use by the Author. All rights reserved. You are permitted to reproduce this eBook in entirety and distribute to every filmmaker you know. For information, please contact the Author at Jason@FilmmakingStuff.com or by mail at Brubaker Unlimited LLC; 6767 Sunset Blvd #153 Los Angeles, CA 90028. All trademarks and service marks are the properties of their respective owners. All references to these properties are made solely for editorial purposes. Except for marks actually owned by the Author, the Author (as both author and as publisher) does not make any commercial claims to their use, and is not affiliated with them in any way. Unless otherwise expressly noted, none of the individuals or business entities mentioned herein have endorsed the contents of this eBook.

LIMITS OF LIABILITY & DISCLAIMERS OF WARRANTIES

The materials in this eBook are provided "as is" and without warranties of any kind either express or implied. The Author disclaims all warranties, express or implied, including, but not limited to, implied warranties of merchantability and fitness for a particular purpose. The Author does not warrant that defects will be corrected, or that the site or the server that makes this eBook available are free of viruses or other harmful components. The Author does not warrant or make any representations regarding the use or the results of the use of the materials in this eBook in terms of their correctness, accuracy, reliability, or otherwise. Applicable law may not allow the exclusion of implied warranties, so the above exclusion may not apply to you.

Under no circumstances, including, but not limited to, negligence, shall the Author be liable for any special or consequential damages that result from the use of, or the inability to use this eBook, even if the Author or his authorized representative has been advised of the possibility of such damages. Applicable law may not allow the limitation or exclusion of liability or incidental or consequential damages, so the above limitation or exclusion may not apply to you.

In no event shall the Author's total liability to you for all damages, losses, and causes of action (whether in contract, tort, including but not limited to, negligence or otherwise) exceed the amount paid by you, if any, for this eBook. Facts and information are believed to be accurate at the time they were placed in this eBook. All data provided in this eBook is to be used for information purposes only. The information contained within is not intended to provide specific legal, financial or tax advice, or any other advice whatsoever, for any individual or company and should not be relied upon in that regard. The services described are only offered in jurisdictions where they may be legally offered. Information provided is not all-inclusive, and is limited to information that is made available and such information should not be relied upon as all-inclusive or accurate. For more information about this policy, please contact the Author at the e-mail address listed in the Copyright Notice for this eBook.

AFFILIATE COMPENSATION DISCLOSURE

This eBook contains hyperlinks to websites and information created and maintained by other individuals and organizations. The Author does not control or guarantee the accuracy, completeness, relevance, or timeliness of any information or privacy policies posted on these linked websites. **You should assume that all references to products and services in this eBook are made because material connections exist between the Author and the providers of the mentioned products and services ("Provider").** You should also assume that all hyperlinks within this book are affiliate links for either (a) the Author or (b) someone else who is an affiliate for the mentioned products and services (individually and collectively, the "Affiliate").

The Affiliate recommends products and services in this eBook based in part on a good faith belief that the purchase of such products or services will help readers in general. The Affiliate has this good faith belief because (a) the Affiliate has tried the product or service mentioned prior to recommending it or (b) the Affiliate has researched the reputation of the Provider and has made the decision to recommend the Provider's products or services based on the Provider's history of providing these or other products or services.

The representations made by the Affiliate about products and services reflect the Affiliate's honest opinion based upon the facts known to the Affiliate at the time this eBook was distributed by the Affiliate. Because there is a material connection between the Affiliate and Providers of products or services mentioned in this eBook, you should always assume that the Affiliate may be biased because of the Affiliate's relationship with a Provider and/or because the Affiliate has received or will receive something of value from a Provider. Perform your own due diligence before purchasing a product or service mentioned in this eBook. The type of compensation received by the Affiliate may vary. In some instances, the Affiliate may receive complimentary products, services, or money from a Provider prior to mentioning the Provider's products or services in this eBook. In addition, the Affiliate may receive a monetary commission or non-monetary compensation when you take action by clicking on a hyperlink in this eBook. This includes, but is not limited to, when you purchase a product or service from a Provider after clicking on an affiliate link in this eBook.

The Economy

The economy, both where you do business, and on a national and even worldwide scale, creates additional uncertainty and economic risk. An economic recession or depression might negatively affect your results.

Your Success or Lack of It

Your success in using the information or strategies provided in this eBook depends on a variety of factors. The Author has no way of knowing how well you will do, as he does not know you, your background, your work ethic, your dedication, your motivation, your desire, or your business skills or practices. Therefore, he does **not** guarantee or imply that you will get rich, that you will do as well, or that you will have any earnings (whether monetary or advertising credits, whether convertible to cash or not), at all. Businesses and earnings derived therefrom involve unknown risks and are not suitable for everyone.

You may not rely on any information presented in this eBook or otherwise provided by the Author, unless you do so with the knowledge and understanding that you can experience significant losses (including, but not limited to, the loss of any monies paid to purchase this eBook and/or any monies spent setting up, operating, and/or marketing your business activities, and further, that you may have no earnings at all (whether monetary or advertising credits, whether convertible to cash or not).

Forward-Looking Statements

Materials in this eBook may contain information that includes or is based upon forward-looking statements within the meaning of the securities litigation reform act of 1995. Forward-looking statements give the Author's expectations or forecasts of future events. You can identify these statements by the fact that they do not relate strictly to historical or current facts. They use words such as "anticipate," "estimate," "expect," "project," "intend," "plan," "believe," and other words and terms of similar meaning in connection with a description of potential earnings or financial performance.

Any and all forward looking statements here or on any materials in this eBook are intended to express an opinion of earnings potential. Many factors will be important in determining your actual results and no guarantees are made that you will achieve results similar to the Author or anybody else, in fact no guarantees are made that you will achieve any results from the Author's ideas and techniques found in this eBook.

Due Diligence

You are advised to do your own due diligence when it comes to making business decisions and should use caution and seek the advice of qualified professionals. You should check with your accountant, lawyer, or professional advisor, before acting on this or any information. You may not consider any examples, documents, or other content in this eBook or otherwise provided by the Author to be the equivalent of professional advice. The Author assumes no responsibility for any losses or damages resulting from your use of any link, information, or opportunity contained in this eBook or within any other information disclosed by the Author in any form whatsoever.

YOU SHOULD ALWAYS CONDUCT YOUR OWN INVESTIGATION (PERFORM DUE DILIGENCE) BEFORE BUYING PRODUCTS OR SERVICES FROM ANYONE VIA THE INTERNET. THIS INCLUDES PRODUCTS AND SERVICES SOLD VIA HYPERLINKS EMBEDDED IN THIS EBOOK

Table of Contents

Table of Contents.....	6
Introduction.....	7
Successful Screenwriting.....	9
Making the Most of Movie Money	19
Six Ways to Finance a Feature Film	27
Fundraising and Crowdfunding for Success	49
The Role of the First AD During Pre-Production.....	62
Modern Guerrilla Filmmaking	76
The Producer of Marketing and Distribution	85
Film Festivals: Why Should I Bother?.....	95
Sell Your Movie Without the Middle-Man.....	107
Resources	117

Introduction

By Tom Malloy

www.BankrollTheBook.com

The state of the union of independent film is constantly in flux. What was true a mere three years ago may not be true today. Only a select, small group of people continue to monitor these trends, and continue to adjust their business models accordingly. These people are the successful people in the Indie Film World. I once asked a master salesman, who possessed one of the biggest books of business in the United States, what his secret was. His response: "I constantly change and adapt."

You are reading this book to give you a leg up on film financing, production and distribution. All the experts in the following pages have fought in the trenches and have achieved success in Independent film by adapting their approaches to the current market time and again.

Everything changed in September 2008, when the United States went through its horrible banking crisis. The bottom line was, people couldn't get loans. Many films set to be financed, especially those to be financed by private equity, could not be supported, because no one had banks where they could take out huge lines of credit.

I had a discussion at Cannes this year with a notable producer friend, and we both jokingly noted that there are two types of profitable films: 1) Films with budgets over \$80 million, and 2) Films with budgets under \$1 million. I am not sure that was a joke. In fact, I'm starting to believe it is 100% accurate.

I'll argue with anyone that the films in the \$3-8 million range, while some are still being made, are next to impossible to monetize. It used to be simple... The profits would come in as a

result of foreign sales and DVDs. But foreign sales have now fallen off a cliff, and do you know of anyone who buys DVDs anymore? In five years, pretty much everyone will have the power to download any film through a set top box directly to their TV. DVDs are yesterday's news.

So is this all gloom and doom? Not at all, if you're looking at it with the right perspective. Your focus should be on making movies, not making money. The old days where someone could do one film and make a huge profit are gone. It's the new economy, outlined in the NY Times Bestseller *The Long Tail*. One's mindset should be how to make less from more instead of more from less. This means you must accept fewer profits, but accept them on more movies, to ultimately be successful.

I sign all of my emails, "Make Movies!" I encourage you to change your mindset to the long run. Be in the game for life. Don't be in the game playing a big lottery ticket and walk away. If that's your play, understand that a lottery ticket is what it is... It is an extreme long shot.

Opportunities exist today that never existed years ago. You can now buy a movie camera for under \$5k that is theatrical quality! You can hire actors and crew for a fraction of what it used to cost! Why? Because the amount of work out there is less, and the money behind that work is significantly less.

For evidence of this, note how many former film stars are doing television right now? This is happening because TV still has money. Films, at least on the independent level, do not.

Ask yourself why you want to be in the movie business. If it is to make a boatload of money, that, while possible, is the wrong reason. If it's to make great art, mingle with celebrities, attend the greatest parties, meet fantastic people, deal with sharks but learn from it all, make something you're proud of, enjoy not

being behind a desk, experience the crack high of being on set, walk red carpets, or any of the above... I can tell you from personal experience, it's 100% possible.

Read this book, apply the techniques, and do it. See you on set!

Tom Malloy is an Actor, Writer and Producer, specializing in independent films. He is the author of BANKROLL: A New Approach to Financing Feature Films, which is the best reviewed book on film financing, and is considered a "gold standard" in indie films circles. To date, Tom has raised over \$15 million in private equity from independent financiers.

To find out more about Tom, goto: www.trickcandle.com
www.tommalley.com and don't forget to grab a copy of BANKROLL at www.BankrollTheBook.com

Successful Screenwriting

By Jurgen Wolff

www.ScreenWritingSuccess.com

Filmmakers are excited about making films. This sometimes leads them into the number one problem of indie films: weak scripts. It's tempting to assume that your skill as a director, editor, and perhaps actor will cover for that. Unfortunately if the script is flawed the final product will be as well.

Of course it's impossible to cover every aspect of scriptwriting in one chapter, but let's look at the four faults that hamper many scripts and how to overcome them. These issues are weak characters, bad dialogue, plots that sag in the middle, and stupid endings.

Getting to know them

If the characters in your script come across as shallow it's probably because you don't know them well enough. Too many independent films (and, to be frank, Hollywood films as well) suffer from characters that come across as stereotypes, doing what they do only because the plot requires them to, rather than from any plausible motivation.

What's the best way to get to know your characters? The traditional approach has been to write a biography that addresses their mental, physical and social dimensions. The problem is that deciding where the character went to school, how tall she is, whether he's an only child, etc. feels kind of arbitrary. You can do it and still not feel any connection to your character.

I prefer an approach that allows you to discover characters rather than inventing them. What you do is imagine the character in a variety of situations. For example, let's say your protagonist is a university professor. Now daydream what he would do if, for instance, he saw a teen-ager shoplifting at his local supermarket. Would he report it? Would he try to talk the youngster into putting the item back? Would he look the other way? The great thing is that your intuition will guide your imagination.

If you find it hard to do this just in your imagination, you can employ a method that Alvin Sargent ("Julia," "Ordinary People," "Spiderman") told me he uses. He imagines the characters in various situations and writes scenes about what happens. Some of the scenes are ones that he thinks will be in the movie, others are just explorations.

When you've done this for individual characters, you can move on to imagining two or more of your characters in the same situation. Again, these don't have to be situations that will actually appear in your script, their main purpose is to let you get to know the characters and their values and behaviour.

What do they want?

It has become a cliché of screenwriting that your characters have to want something strongly in order to be of interest to your audience, and I think that's true. Imagine you're on the street and you see two people. One is sitting on a bench, waiting for a bus. The other is climbing up a drainpipe toward a window. Which one do you find more interesting?

That doesn't mean that every character has to be the heroic type who will mow down all opposition. Some characters just want to be left alone (in which case your job is to make sure that they won't be). If the man on the bus bench steadfastly

refuses to talk to a friendly lady who keeps trying to make conversation with him, which makes him interesting, too.

There are two wants to consider: what the character wants in general, and what they want within each scene. If you don't know that for each of your major characters, it's time to go back to daydreaming and figuring it out. It's not necessarily the case that they have this want at the start of the story, or that their "want" stays the same.

Another question that's useful is what does your character need? That may be different from what they want. Often a plot is the story of how a character goes after what he wants and in the process discovers he needs something totally different and goes after that and changes in the process. That's what's referred to as the character arc.

In Hollywood pictures the protagonist usually reaches his goal. In independent pictures, which tend to be more like reality, sometimes he does, sometimes he doesn't. A good example is "The Wrestler," in which the protagonist realizes tries to change but can't.

When you know your characters well, the final important step is to make sure they behave in a way that's congruent with who they are. Sure, a mild-mannered accountant can pick up a gun and go after the people who bullied his brother to the point of suicide—but only if you've laid the groundwork for it. It doesn't have to be predictable but it does have to be plausible.

This is especially important if your story has a villain of some kind, even just an unpleasant person. Nobody wakes up in the morning thinking, "Oh boy, another day in which I can be a jerk." Jerks don't know they're jerks and when we understand what motivates them they stop being stereotypes.

Making them talk

When you get to know your characters you should reach the point where you can hear them talking in your head. How they speak and what they say will reflect their backgrounds, education, and the people they hang around with.

If your characters sound too similar, a simple technique to overcome this is to coming up with a metaphor for each character, or a figure from history or films or novels.

In writing “The Social Network” I’m sure Aaron Sorkin didn’t use this method to differentiate between the Mark Zuckerberg character (played by Jesse Eisenberg) and the Eduardo Saverin character (played by Andrew Garfield), but if he was a fan of “Star Trek” he could have used Spock as a model for Zuckerberg and Bones for Saverin.

Sometimes one character might be like a cat and another like a dog, or one might be like Scarlett O’Hara and another like Scrooge (pre-conversion).

As soon as you get this kind of feel for a character, you’ll find it easier to write dialogue (and actions) that set them apart from each other.

Step away from the exposition

The most common clunky dialogue is exposition: giving the audience facts they need to know via words real people would never say. Like, “Joe, in the twelve years we’ve known each other I’ve never asked you for a favor, but--...”

OK, I get it, we’re supposed to know they go back a long way. But there are more elegant ways of letting us know that. If in doubt, a little humor helps (assuming that’s in line with the

general tone of your script, of course). In this case, it might be something like, “I’ve never asked you for a favor, but—“Yes you have. I helped you move.” “That was ten years ago.” “So? It still counts.”

Sometimes you can introduce a character who logically can ask questions you need to have answered—a reporter, a new neighbor, a hairdresser.

Finally, if you need to have somebody give a slab of information, at least have them doing something interesting while they talk.

The second act swamp

When I worked as a script reader I came across a lot of scripts that captured my attention with a great premise that was established in the first act (the first 20 to 30 pages). However, the number that delivered on that promise was tiny.

The problem often is that you know your opening and you know your ending but you don’t have enough material to sustain the middle. If that’s your issue, here are three strategies:

- Revisit the question of what your protagonist and other characters want. How has this changed since the beginning of the story? What new problems arise from these changes? Even a small shift can give you an idea for additional scenes and developments.
- Brainstorm how any minor characters you introduced in the first quarter or third of the story might have a bigger presence in your protagonist's life. Don't be afraid of coincidence as long as you follow the old rule: Coincidence is an acceptable way to get your characters into trouble, but not an acceptable way to get them out of trouble.

Consider whether you need to go back to the first part of the story to plant something that can pay off in the middle.

Escalate!

In the second act things have to keep escalating. Each new development should put your protagonist in greater danger whether that's physical or emotional or a combination of the two, although you should also have a few lulls in between to give your audience time to breathe and to increase the impact when they and your protagonist realize there's more trouble on the way.

Check whether the challenges you present in Act Two are interchangeable. In other words, would the third problem your protagonist encounters work just as well if it came first? Is the third problem at the same level of intensity as the second? If so, you haven't escalated. Ideally each new challenge grows out of and is more intense than the previous one.

Let's look at the example of a romantic comedy. On the first date, the guy tries to impress the girl by mentioning that he has a fancy boat. She says she'd love to go on it so he invites her for the following weekend. He doesn't actually have a boat but his best friend's parents do and he borrows it for the second date. Because he doesn't know how to operate the boat very well, his lie is nearly exposed, but he manages to cover. Unfortunately, the friend didn't tell his parents about all this and they report the boat as stolen. The harbor police stop the boat and arrest our hero and the girl. So far we have these escalations:

- He lies to the girl and has the problem of making good on the lie.
- He manages to get the boat but his lie is nearly exposed because he doesn't know how to operate it.

- His lie is exposed when the harbor police stop the boat.
- His lie gets him and the girl arrested.

Notice how each of these developments is closely linked to the previous ones. Maybe another step would be that when news of the girl's arrest comes out she loses her job, so now our hero has not only embarrassed her but ruined her career prospects as well.

If we can keep coming up with bigger and bigger obstacles—as well as reasons why the girl is willing to even talk to him anymore—then we can move the plot forward. However, it may be that having the incident above early in the second act makes it too hard to keep escalating, in which case it would make sense to move it closer to the end of the second act.

Keep it moving

It's important to think about not only what you can add but also what you can cut. Screenwriter Jay Presson Allen says that director Alfred Hitchcock taught her more about screenwriting than she learned in all the rest of her career. She says, "There was one scene in *Marnie*, for example, where this girl is forced into marriage with this guy. I only knew how to write absolutely linear scenes.

So I wrote the wedding and the reception and leaving the reception and going to the boat and getting on the boat and the boat leaving... I mean, you know, I kept plodding, plodding, plodding. Hitch said, "Why don't we cut some of that out, Jay? Why don't we shoot the church and hear the bells ring and see them begin to leave the church. Then why don't we cut to a large vase of flowers, and there is a note pinned to the flowers that says, 'Congratulations.'"

And the water in the vase is sloshing, sloshing, sloshing."

These days the audience is impatient and figuring out that sort of shorthand can not only keep things moving it can also be a great way to save on the budget (always a consideration in indie films).

The end

Your story doesn't have to have a happy ending for your protagonist, but it should be a happy experience for your audience, in that it should leave them feeling that the ending makes sense. Unfortunately, too many films have stupid endings. Here are the main ones to avoid:

- The convenient coincidence. With no foreshadowing at all, it turns out that one of the villain's henchmen was working for the FBI all along, or a neighbor happens to drop by just in time to call the police, or the lights go out just as your guy needs to get away. As I mentioned above, the rule is that you can use a coincidence to get your protagonist into trouble—but not to get him out of trouble.
- It was all a dream. Or a hologram. Or an alternate reality. It feels like a cheat (because it is).
- The last minute change of heart. This can work if you've laid the groundwork for it, but not if it's sudden and unmotivated by anything but the need to end the story.

If you master these elements—strong characters, good dialogue, and a plot that builds to a satisfying conclusion, your script and eventually your film will stand out from the competition.

Jurgen Wolff has written more than 100 episodes of television, the mini-series “Midnight Man,” starring Rob Lowe, the feature film “The Real Howard Spitz,” starring Kelsey Grammer, and has been a script doctor on projects starring Eddie Murphy, Michael Caine, Kim Cattrall and others. His books include “Your Writing Coach” (Nicholas Brealey Publishing) and “Creativity Now!” (Pearson Publishing).

Jurgen’s screenwriting site: www.ScreenWritingSuccess.com

Get information about Jurgen’s online Writing Breakthrough Strategy Program at: www.jurgenwolff.com

Making the Most of Movie Money

By Norman C. Berns

www.ReelGrok.com

Making movies takes money. *Lots of it*, whether we're counting in thousands or millions. Film producers don't just make ART, we also have charge of the purse strings. It's our job to squeeze the most out of every dollar. And maybe even turn a profit.

To do that – to create art that makes a profit – we have to know how much we can afford to spend and where to spend it wisely. To be efficient at our job, we need a plan that outlines the cost of things.

That operating plan is called the budget.

There are (at least) two universes in which money doesn't matter, in which there's no reason to bother with a budget. The "I'm rich and don't give a hoot" universe in which any expense can be covered. And the "I'm way too cheap to pay for anything, bring your own lunch" world in which exploitation is rampant and every expense too much.

Neither is good for long-term survival, let alone a profit-making movie.

The task isn't just to *start* a film; there's little gain in that. The plan is to *finish* the film. And then *sell* it, with the hope of *turning a profit* for all our efforts (presumably so we can afford to make another film.)

To do that – to finish our film, to make a profit – we need to know a lot of things; one of the most important is the cost of those things.

The newest of new filmmakers, still trying to wrap their heads around the overwhelming complexity of turning written words into stirring visuals, sometimes believe that film budgets are little more than a bunch of numbers. *Of course they're that, but only in the same way the Mona Lisa is a bunch of paint.*

Each budget is the blueprint for one specific film. Your budget explains the structure of your production. Budgets show what's important to the film, what's worth extra time, who has to do the work, where they'll do it and for how long. Budgets explain how you can juggle days and nights, the value you place in your crew, the worth of your cast, the importance of your story and stunts and effects...

Budgets show the value of *everything* in your film. And they explain how you plan to do all those things. Any wise backer can read your budget like a book and bad books rarely get finished.

The SMALLER your budget, the TIGHTER your production, the more LIMITED your resources, *the more important it is to get your spending right.* The odds are good that you can't afford too many mistakes. Fortunately, a well-made budget will make your whole production run better, smarter, faster, smoother.

Here's one scene that shows the value of counting first, then shooting later. It begins like this...

The bridge collapses

Before you grab your camera and blow up the bridge, you have to figure out the *value* of that falling bridge. That's your first job. Is the bridge background happenstance? Or is it central to the plotline? Is it the MOST important piece of your film? Or only one little piece in the overall puzzle you're weaving?

The scene continues....

A booming noise. The air is filled with choking dust. John runs into the field.

JOHN

The bridge gave way...

So does that cover it all?

According to the script, the bridge is gone and the only impact on production seems to be the sweeping up of dust and debris. Maybe a bit of concrete and a few flying beams if you want to get extra fancy about it.

Of course, that falling bridge could be handled in many ways.

Have we seen John crossing the bridge before it comes down? Or just as it comes down? Do we need John climbing over rubble after the bridge is gone? Or will our film be perfectly happy with John running into town covered with dust?

Of course, bridges look really sexy and falling bridges are even nicer. If you're a charter member of the shoot-first-count-later school of filmmaking, you might be tempted to blow that bridge, to get *The Big Scene* in the can while you can.

Alas, without careful planning and smart timing, you're as likely to blow your budget right along with that bridge.

The cost to film the bridge can be little more than an ordinary day with a bit of extra dust in the air. Or it could soar with long-term prep, serious stunts, massive crews, multiple cameras and even a replaceable bridge (either real or computer-generated).

Which of those you need depends on THE VALUE of that falling bridge to your film. And, of course, the depth of your pockets. "But there's a script," you say. "That tells me *exactly* what's

supposed to happen.” You’re right, of course – there is a script. And you’re dead wrong – it won’t tell you much of anything.

The script – no matter who wrote it or how much you paid – is only a guide. Determining what and how and where you film is *YOUR* job.

Even if the script says, “John makes his way across the falling bridge” it’s still your job to interpret that scene based on your vision of the finished film and the amount of money you think you can raise.

That’s important enough to repeat.

You’re in charge of your film. It’s YOUR film. You control the money and the vision.

Your job is not to blindly follow the script. Your job is to shape it to your needs, to look at every scene and ask “how can this scene be filmed within my budget, from my point of view, with the talent I’ve assembled, in the time I have....”

Even if you wrote the script – *especially* if you wrote the script – it’s essential to switch jobs and view the script as **your guide** to making the film you can afford. What gets filmed (and how), what could (or should) be cut, what expanded, what changed? The answers to those questions are in your budget.

Your film budget is the ultimate tally of time and cost. It’s the framework for everything that comes after, all the way through the final mix. Film budgets explain what you can afford and what you can’t. They tell you whether you need to shoot everything before week’s end or you can extend your shoot for a few extra days. They separate the fantasy from the reality.

Your production is going to be a battle between the script you own and the movie you can afford to make.

Despite all your best intentions, not every film can be made for any budget. That pair – the script and the budget – have to be a perfect match for each other. Every project has to begin with serious negotiations between your story and your wallet.

When you first read a script, when you first try to wrap your head around the problems that may lie ahead, think **SPACES**.

Sets. Props. Actors. Crew. Events. Schedules.

SETS cost time and money to get, hold, fix, clean and use. With only a few locations, even the lowest of low budget films can easily stay on budget. Add more sets and your budget (and time) can soar. Extra locations mean packing up, moving out, moving in, unpacking, relighting, resetting, repropping and tweaking for sound. You might be able to make that move without adding extra crew, but you won't be able to avoid burning through time that could be spent filming your movie.

PROPS are generally easy to figure and low in cost. Unless those props need to be handmade, or if they're large or difficult to use. Unless they shoot or explode or take an entire crew to operate. The more specific or complex your props, the more they'll cost. (It's easy to find a *used car*, but lots harder to get a *cherry-red '57 Chevy Bel Aire ragtop with a continental kit*.) The more props in your show, the more crew you'll need to buy, bring, clean, prep, log, fix, store and return them.

ACTORS can be a great asset to any business plan, their talents can add to quality and value of any film. But big-name-actors can come with a big-cost price tag, sometimes far exceeding their value to the show. Be sure to add enough money to cover unscripted perks like travel, personal make up, private

attendants, over-scale per diems, even visiting family or housing for an entourage. Perks can add up quickly.

CREW is the power behind any film. And your job is to assemble the best possible talent you can afford. Until your script calls for too much *special* talent on the crew. Whatever their role in your show, it takes extra planning, time and money to bring in specialists, whether they're mountain climbers or stunt pilots, ice skaters or weapon armorers, Steadicam shooters or crane operators. Everything outside your normal workflow means more work for you, more money to be spent.

EVENTS can get out of hand quickly. Too little action and your movie may stall; too much and there's little time left to shoot anything very well. When planning a day, you'll have to leave time for rehearsals and resetting as well as the actual filming. Be on the lookout for complex scenes hidden in simple script directions. "And then they fought the war," "She went to every shop in town" and "Everyone was there" are all quick to read, but far from simple to film. Or to reset for Take-2.

SCHEDULES are the structure of your filming, the big tent that holds your whole production together. They tell you which day you'll be in Room A and when you'll need Actor B. Your costs depend on how well you build that schedule. The price is very different (in terms of time, money and effort) if you're booking someone (or thing) for five consecutive days or one day each week for the next five weeks. Careful planning can mean huge savings. And more time for filming instead of recovering.

Not only does everything in a film have a cost, it also needs a support system.

Actors don't arrive without baggage, both literal and figurative. Props won't show up because they're in the script. Sets can be hard to find and harder to clean on the way out. Action has to

be planned and rehearsed before it's filmed, then started all over again. Special crews need extra time (and often helpers) to work their magic. Schedules can keep productions running if they're right, but grind to a halt when wrong.

It all takes *time*. And lost time on a movie set means money that can never show up on screen.

*Waste as little **time** as possible. Time, money and effort have to show up on screen, not in travel vouchers or location fees.*

No matter how essential that falling bridge, other scenes will suffer if it takes too long to film. Spend too little and your whole movie may collapse.

Keep these three points in mind to help control your production.

- **You're in charge.** While your total dollars may be finite, there's no end to the ways you can spend them. If you really, really, really must see that bridge collapse, start by incorporating the knowhow of the experts around you. Somehow you'll have to pay for that explosion – it might be with dollars or by cutting other scenes or....
- **The script and budget must match.** There isn't much worse than running out of money during production. Or shooting so fast that you don't get the quality or coverage you need. Align your vision with reality. Don't be a slave to the script; adjust it so you have enough time to shoot the best possible movie.

- **Film is a collaborative art.** Start early to build your entire production team. And learn to listen to them. Making a movie takes a roomful of smart, talented people who have agreed to work together, to respect each other's talents. If you're the smartest person in the room, bring in different people or find a better room.

Going through all these steps, detail by excruciation detail, means you know more about your show than any other person around you. That's the huge step to being a successful producer.

Norman C. Berns is a producer, director, teacher and film facilitator, the go-to guy when films need the wherewithal and knowhow to get going, to get better or to get back on track.

Norman can be contacted through his website, reelgrok at:
www.reelgrok.com/normancberns

Email: norman@reelgrok.com

Six Ways to Finance a Feature Film

By **Gordon Firemark**

www.FilmFinanceLaw.com

In this chapter, I'll explain the 6 basic models for film financing, from the simplest method through the most complex.

This is not intended as a "how-to," or as a comprehensive explanation of all aspects of film financing, but merely as a primer to give an overview of the field. Nor is this intended to help you in "finding" the money needed to finance and produce a film. It will, however, arm you with a basic understanding of the legal structures used in securing financing, along with the advantages and disadvantages of the methods described.

As an entertainment lawyer, I've spent much of my career developing a keen understanding of the ins and outs of this complicated field so please don't hesitate to contact me if you need help implementing one or more of these 6 ways to finance your feature film.

Way #1 - Rich Uncle Guido

The simplest and easiest way to finance a feature film is to use money you've already got. By this I mean either personal funds or funds contributed to your film project by friends and family (like a rich uncle), with no expectation of a return or profit. Essentially, this means "gifts", rather than investment or loans. Of course, if you're self-financing, this is the method you're using.

In practice, the contributors to the financing often receive some form of acknowledgement or "special thanks" in the film's credits.

Advantages: This is the easiest way to pay for the production of a film, since there's no paperwork, no government filings, and no obligation to pay back the money, account for how it's spent, or to share in the profits if your project is successful.

Disadvantages: Strings Attached - The contributor of the money may have expectations of a role in the film, either for himself or a "friend". He or she may also expect to be credited as an executive producer, or that the film will have a certain artistic or philosophical message.

Potential Liability: a financier who contributes to a film in exchange for a credit (such as "Executive Producer" may not realize that he's exposing himself to liability as a partner or co-venturer with the filmmaker.

Care should be taken in granting credit to those who support your film, to ensure that they are shielded from liability.

Limited funds available: because the funds used for this method of film finance are personal in nature, the amount available may be limited. For this reason, this method of financing is most commonly used for very low budget documentaries, shorts, student films, and films intended for the filmmaker's "resume reel".

Sour Grapes: If a film financed using gifts from family and friends becomes financially successful, those financiers may be disgruntled at not participating in the rewards. Care should be taken, then, to ensure that these people are included in premieres, festivals, and release parties. Of course if financial success DOES come, lavish gifts TO your financiers are certainly appropriate, but make sure they don't look to the outside world (i.e., taxing authorities and securities regulators) like some kind of quid-pro-quo.

Variations: Where two or more producers come together with their personal or 'gift' funds, they are forming a Joint Venture (essentially a limited-purpose partnership). Giving credit in such instances can become sticky, so it's important to discuss things with co-venturers in advance. It's important to remember that partners or joint venturers share control, as well as profits, expenses, etc. So choose wisely.

Corporations and other business entities (even nonprofit organizations) can use 'corporate' funds to self-finance film projects without the hassle and expense of more complicated financing methods. Similarly, such an entity can become a joint-venturer in a project, sharing expenses, control and eventually, profits.

Way #2 - Single Active Investor

This method of financing for your film involves bringing in an investor who will share in the rewards when your film is finished and successful.

It's important to note my use of the words "single" and "active". Both have important ramifications, which can affect a filmmaker's ability to retain control of the project, as well as legal implications if not observed carefully.

This method involves a relatively simple contract between producer and financier. The agreement will detail the financier's investment in the project as well as the expected return on that investment.

Typically, the investor receives 100% of each dollar of income until he or she has recovered the full amount invested... then, the financier and producer split the profits from the film 50/50. In some cases, however, I've seen splits of 60/40 or even higher in favor of the financier... this is negotiable, and care should be

taken to evaluate the relative values of the other contributions to the project.

Next, the contract should specify the investor's role in the day-to-day operations and production process. It is important that the investor have a meaningful role, with some part in decision making, so he or she can be characterized as an 'active' investor. If the investor's involvement is 'passive', the investment involves the sale of securities, which complicates things considerably.

Any transaction involving the sale of securities must be registered with the Securities Exchange Commission, or subject to an exemption from the registration requirement. In either case, the paperwork and cost of securities compliance is substantial. So, it's important that, in this type of structure, the investor play an active role in the development, production and business decisions relating to the film.

I've characterized this as a 'single' 'active' investor structure deliberately. This method is not suitable for use with large groups of investors, because each 'active' investor will essentially have a 'vote' on important decisions. The last thing you want is a group of investors weighing in on casting, script changes, location selection, etc.

Advantages: The obvious advantage of the single active investor structure is its ease of creation. A relatively short contract will establish the relationship of the parties. No state or federal paperwork is required. Also, there are few formalities required. In fact, unless the contract so specifies, there's no requirement of reports, prospectuses, or other 'red tape'.

Disadvantages: When taking on an active investor, you are, in essence, bringing in a "partner" to the project. While this can have an up-side, it can lead to trouble when deciding creative issues such as casting. (This is the classic stereotype of the

financier who insists that his girlfriend have a role in the film, regardless of her acting ability.)

For the investor, this structure can be disadvantageous, too. Because the investor is an active part of the venture, he will be viewed as a 'partner', and thus may be held responsible for liabilities of the production, even if they exceed the amount he's invested. This unlimited liability is a common point of concern for financiers.

Variations: As stated above, this structure is best suited to a single investor financing the entire budget of your film. If needed, it IS possible to use this structure for a small number of investors, each under a separate contract, and each with rights of active involvement.

Another approach is to ask the investors to form their own group entity (like a corporation or LLC), which will serve as the investor. This way, the investors, as a group can be involved in the operation of their entity, which will have only one 'vote' as an active investor in the film venture. Care should be taken, though, when using this approach, which all formalities are observed by the investors and their entity, or tax trouble and unlimited liability may arise.

The Single Active Investor structure for financing a film can be an effective means to raising funds for a small-budget, especially where the investor is someone close to the filmmaker, or with whom a solid personal relationship can be relied upon.

Co-Production: In a typical co-production, a producer or filmmaker enters into a joint-venture (essentially a single-purpose partnership) to produce and exploit the film together. In most cases, one producer has the script, attachments, and other assets, while the other brings some combination of the

financing, distribution, marketing, prints and advertising, etc.

This kind of a coproduction venture is, in essence, a single-active investor structure, since the co-producers share profits, losses, liabilities, and control over the project. They are, therefore, both "active" investors in the venture so there's no concern about securities law compliance.

The advantages and disadvantages of this structure are essentially the same as for any other active-investor deal. Of course when dealing with a financier experienced in the film industry, things are likely to go more smoothly than with a newcomer.

In many ways, this scenario is the best of all worlds, since an experienced co-production partner can mean the difference between getting the film distributed or its sitting on the shelf. When striking a deal with a producing partner, it's important that the contracts specify any elements that are already agreed, (such as selection of director, casting, etc.).

Way #3 - Studio setup for in-house production

This model for financing is very simple. You sell the project to a major or mini-major studio, which then develops, finances and produces it.

Advantages: The primary advantage of setting up a project with a studio is obvious. The studio has the money and other resources to make the movie happen. Moreover, after the film is finished, the studio has the resources to distribute, market and promote the movie in ways most independently financed films cannot. This can mean a greater likelihood that the film will perform at the box office and/or on home video.

If you're successful in "setting up" the project with a studio, you'll likely receive Producer credit and a producer's fee as compensation for your services. The level of responsibility you'll have after selling to the studio will vary depending on the studio, the project, your position in the industry, and your bargaining power.

Another advantage is that you will receive payment for your producing services somewhat earlier in the process, and, since the budgets of studio films tend to be higher; your pay will likely be in the higher range as well.

Disadvantages: Getting a studio to purchase a film project is anything but easy. For every script that's picked up by a studio, there are literally dozens that languish around town for years, never being picked up. When a producer (like you) is attached, it is often more difficult to sell, since the studio is essentially hiring you, along with purchasing the script.

When you do sell a project to a studio, you are handing control of the project to the studio and its executives. You will likely be a participant in the process, attending meetings and being consulted about creative, casting, budgeting, and hiring decisions, but the studio will be in charge and can ultimately dictate policy. "He who controls the money controls the project".

The studio will also be the 'owner' of the project, controlling its development, production distribution, advertising and marketing of the project. It's not unheard of for a studio, particularly after a so-called "regime change" to shelve a project indefinitely, leaving it unfinished or if completed, un-distributed.

Of course, if the studio does distribute the film, it will reap the lion's share of the rewards if the project is successful. In fact, unless you have significant 'clout', it's unlikely you'll participate

in the film's gross receipts. More likely, you'll be entitled to a share of the often non-existent 'net profits'.

Selling to a studio for in-house production is, for many producers, the holy grail of producing. With a studio deal comes industry recognition and increased bargaining power. This makes developing and producing subsequent projects much easier. This kind of deal is not, however, without its disadvantages, particularly loss of control. Also, not every film project is suited to the studio approach to production and distribution.

Of course, selling a project to a studio is a complex transaction, involving transfers of rights, employment relationships and tricky financial structures. Needless to say, the help of an experienced entertainment lawyer is crucial.

Next up, we get into a major variation on the studio setup, in which the studio finances and distributes a project, but the producer retains some important controls.

Way #4 - The Studio Production, Finance & Distribution Deal

In this scenario (sometimes called a 'PFD Deal'), a motion picture studio (either a major or a mini-major) agrees to finance the production, with you as producer, in exchange for the right to distribute the film through its existing distribution network.

Advantages: Firstly, you're producing a major, studio-based motion picture. You'll have access to a significant budget, and can assemble a top-flight cast, crew and creative team.

You'll have access to the studio's facilities and personnel. You'll get credit, compensation, and the cache of producing a studio picture. Distribution is already in place, so you can focus on getting the film made and delivered.

Disadvantages: First, getting this kind of deal in place is a tremendous challenge. Studio films tend to be very high-budget, and therefore studios are reluctant to bring new producers 'on the lot' in this fashion. The studio will be allowing you to retain much more control of the project than in a straight purchase, so it's taking a major gamble on your ability to deliver the film on time, on budget, and as promised.

Studio oversight: The studio will assign its staff executives to oversee the production, finances, spending, etc. The studio will dictate most of the key elements of the Picture. Cast, above-the-line crew, etc.

The studio will expect to see the dailies, to consult and/or approve changes to the shooting script, casting, etc. The studio will have takeover rights which it can exercise if the project appears to be in trouble, over-budget, behind schedule, etc. Once the studio takes over, there's no going back.

The studio will then finish (or in some cases NOT finish) the film its way, and you'll have ceded all control. The studio controls the distribution of the film, with little or no input from you.

The PFD Deal can be very tricky to set up. Deals often include multiple-picture deals, housekeeping arrangements for the producer, and complex profit participation scenarios. Care should be taken in negotiating such a deal, and the help of experienced entertainment counsel is imperative.

Way #5 - Negative Pickup Deal

Well, now we're getting into some of the more complex approaches to financing films. Essentially, a Negative Pickup deal involves borrowing the money to produce the film, using contracts from the pre-sale of distribution rights in enough territories, (and for enough money) as collateral for the loan.

Usually, the deal looks something like this:

(a) Producer (you) pre-sells the distribution rights to the Picture to one or more distributors.

(b) These contracts (promises to pay for distribution rights upon delivery of completed film, according to carefully negotiated criteria) are the collateral for bank loans to finance the production.

(c) A Bank lends you, the producer the money to make the film, at a discount. So, a \$1 Million commitment from distributors might only support a \$900,000 loan. So, you need to oversell the budget in order to secure full financing.

(d) Alternatively, it may be possible to obtain GAP INSURANCE to make up any shortfall if the project doesn't generate quite enough money to pay off its debt.

ADVANTAGES: The first advantage is that you're making YOUR movie YOUR way (subject to the agreement(s) you've made with the distributors.

Second, there's no studio looking over your shoulder at your costs and expenses. As long as you deliver the film in a timely fashion, and featuring all the elements you promised your distributors, you'll receive the money to repay the loans, and with any luck, generate a profit.

Distribution is in place, so you've also got fewer worries once you deliver the finished film. Once the bank is paid off, all profits go to the producer of the film, no sharing with investors, financiers, etc.

DISADVANTAGES: These deals are very complex. Moreover, it's extremely unusual to sell all rights, worldwide, to a single distributor before a frame of film has been exposed.

Negative Pickup deals are increasingly rare, with the current financial situation worldwide, distributors, banks, insurers, completion guarantors and others are more reluctant than ever to take the kinds of risks inherent in Negative Pickup deal financing.

In order to attract distributors to the project, you'll have to have a really compelling package. Distributors are unlikely to promise much cash for a project sight-unseen, unless they are fairly certain that it's a winning proposition. For most films, this means "bankable " actors and director are key.

Another disadvantage is the cost of the bank loan. Since the bank is lending on something less than a dollar-for-dollar basis, the cost of the financing can be somewhat high. When you add in the cost of gap-insurance, completion bonds, etc., this form of financing can seem rather costly.

If you end up going over-budget, you can't look to the lender, insurer or distributor for the extra money you need to finish the film. You've got to deliver the film on time, complete, and ready for distribution, or you're going to wind up having distributors drop out. If this happens, the bank may "call the loan ", demanding repayment, or taking over the film, squeezing you out in the process.

The Negative Pickup deal was very popular in the 1980s and 1990s, but has become less prevalent as both financial and motion picture industries have adjusted to the new economy. If you're fortunate enough to have a solid "package " including bankable talent, a great script, and a hot topic, you may be able to finance all or part of your film's budget this way, but be sure

to weigh the risks and rewards carefully before going down this path.

Way #6 Investor (Equity) Financing

Now we're really getting into the technical, tricky and exciting area of financing films. With equity financing, you essentially use other people's money to make your movie, paying them back from the proceeds of the exploitation.

Seems simple, right?

Well, it is and it isn't. Anytime you offer investors an opportunity to buy "units", "shares " or any kind of economic interest in a venture, under circumstances where the investor's risk is limited to the amount invested, and where the investor has no real control over the day-to-day operation of the venture, you're entering the realm of the U.S. securities laws.

First, I'll outline the basic rules for sales of securities, and then I'll explain the exception to those rules most often used by independent filmmakers.

"SECURITY" Defined

Under Section 2(a)(1) of the Securities Act of 1933, "unless the context otherwise requires, " the term "security " includes: *any note, stock, treasury stock, security future, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a security, fractional undivided interest in oil, gas, or other mineral rights, any put, call, straddle, option, or privilege on any security, certificate of deposit, or group or index of securities (including any interest therein or based on the value*

thereof), or any put, call, straddle, option, or privilege entered into on a national securities exchange relating to foreign currency, or, in general, any interest or instrument commonly known as a "security", or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing.

For our purposes, any interest in the profits or losses of a film project, in which the investor does not also have a right of control (as a partner or co-producer) would, is a security. When you use a corporation, LLC or Limited Partnership to finance your project, the interests you sell to your investors are, you guessed it, Securities.

REGISTRATION REQUIREMENT

Under the Securities Act, every sale of a security, unless a specific exemption exists in the law, must be registered with the Securities Exchange Commission. The registration requirement is designed to protect investors by standardizing the documentation behind offerings, and to require that sufficient information is available for investors to make informed decisions about the investment.

However, registration of a securities offering is a tremendously complex, time consuming and expensive process, and is simply not justified for most independent film projects.

Fortunately, Congress and the SEC have recognized that some smaller ventures simply can't afford the time, expense or complexity involved in a registered securities offering, and created a number of exemptions to make things a bit easier for small businesses. These "Private" or "Limited" offering exemptions allow smaller ventures to sell securities under very specific circumstances.

Intrastate Offering Exemption

Section 3(a)(11) of the Securities Act provides for an intrastate offering exemption. This exemption is designed for the financing of local businesses. To qualify for the intrastate offering exemption, a company needs to be incorporated in the state where it is offering the securities; carry out a significant amount of its business in that state; and make offers and sales only to residents of that state.

There is no fixed limit on the size of the offering or the number of purchasers. The company needs to carefully determine the residence of each purchaser. If any of the securities are offered or sold to even one out-of-state person, the exemption may be lost. Moreover, if an investor resells any of the securities to a person who resides out of state within a short period of time after the company's offering is complete (the usual test is nine months), the entire transaction, including the original sales, might violate the Securities Act.

Accredited Investor Exemption

Section 4(6) of the Securities Act exempts from registration offers and sales of securities to accredited investors when the total offering price is less than \$5,000,000. The definition of accredited investors is the same as that used under Regulation D. Like the exemptions in Rule 505 and 506, this exemption does not permit any public solicitation. There are no document delivery requirements but the anti-fraud provisions mentioned below do apply.

California Limited Offering Exemption

SEC Rule 1001 exempts from registration offers and sales of securities, in amounts of up to \$5,000,000, which satisfy the conditions of §25102(n) of the California Corporations Code.

This California law exempts from California state law registration offerings made by California companies to "qualified purchasers" whose characteristics are similar to, but not the same as, accredited investors under Regulation D. This exemption allows some methods of general solicitation prior to sales.

Private Placements

Under SEC Regulation D (Reg D) there are three main exemptions from federal registration. These can permit filmmakers to offer and sell their securities without having to register the securities with the SEC. These exemptions are under Rules 504, 505 and 506 of Regulation D. While companies relying on a Reg D exemption do not have to register their securities and usually do not have to file reports with the SEC, they must file a document known as Form D when they first sell their securities. This document gives notice of the names and addresses of the company's owners and promoters. State laws also apply and the offeror will likely need to file a document with the appropriate state agency for every state in which an investor resides.

An "offering" is usually comprised of several documents including a private placement memorandum (PPM), a proposed limited partnership agreement (or operating agreement for an LLC, or bylaws for a corporation), and an investor questionnaire used to determine if the investor is qualified to invest.

A PPM contains the type of information usually found in a business plan, and a whole lot more. It is used to disclose the essential facts that a reasonable investor would want to know before making an investment. The offeror may be liable if there are any misrepresentations in the PPM, or any omissions of material facts.

State registration can be avoided by complying with the requirements for limited offering exemptions under state law. These laws are often referred to as "Blue Sky" laws. They were enacted after the stock market crash that occurred during the Great Depression. They are designed to protect investors from being duped into buying securities that are worthless - backed by nothing more than the blue sky.

The above-mentioned federal and state exemptions may restrict offerors in several ways. Sales are typically limited to 35 non-accredited investors, and the investors may need to have a pre-existing relationship with the issuer (or investment sophistication adequate to understand the transaction), the purchasers cannot purchase for resale, and advertising or general solicitation is generally not permitted. There is usually no numerical limit on the number of accredited investors.

A "pre-existing relationship" is defined as any relationship consisting of personal or business contacts of a nature and duration such as would enable a reasonably prudent purchaser to be aware of the character, business acumen and general business and financial circumstances of the person with whom the relationship exists.

Other documents may need to be filed with federal and state governments. For example, a Certificate of Limited Partnership may need to be filed with the Secretary of State to establish a limited partnership. In California, a notice of the transaction and consent to service of process is filed with the Department of Corporations. If the transaction is subject to federal law, Form D will need to be filed with the Securities and Exchange Commission (SEC) soon after the first and last sales. Similar forms may need to be filed in every state in which any investor resides.

In the independent film business, PPMs are usually: a Rule 504 offering to raise up to \$1,000,000, or a Rule 505 offering which allows the filmmaker to raise up to \$5,000,000, or a Rule 506 offering which doesn't have a monetary cap on the amount of funds to be raised. A 506 offering also offers the advantage of preempting state laws under the provisions of the National Securities Markets Improvement Act of 1996 ("NSMIA").

504 Offering

Under Rule 504, offerings may be exempt from registration for companies when they offer and sell up to \$1,000,000 of their securities in a 12-month period.

A company can use this exemption so long as it is not a so-called blank check company, which is one that has no specific business plan or purpose. The exemption generally does not allow companies to solicit or advertise to the public, and purchasers receive restricted securities, which they cannot sell to others without registration or an applicable exemption.

Under certain limited circumstances, Rule 504 does permit companies to make a public offering of tradable securities. For example, if a company registers the offering exclusively in states that require a publicly filed registration statement and delivery of a substantive disclosure document to investors; or if the company sells exclusively according to state law exemptions that permit general solicitation, provided the company sells only to accredited investors.

505 Offering

Under a Rule 505 exemption, a company can offer and sell up to \$5,000,000 of its securities in any 12-month period. It may sell to an unlimited number of "accredited investors" and up to 35 non-accredited investors who do not need to satisfy the sophistication or wealth standards associated with other

exemptions. The company must inform investors that they are receiving restricted securities that cannot be sold for at least a year without registering them. General solicitation and advertising is prohibited.

Rule 505 allows companies to decide what information to give to accredited investors, so long as it does not violate the antifraud prohibitions of federal securities laws. But companies must give non-accredited investors disclosure documents that are comparable to those used in registered offerings. If a company provides information to accredited investors, it must provide the same information to non-accredited investors. The offeror must also be available to answer questions from prospective investors.

506 Offering

Under Rule 506, one can raise an unlimited amount of capital. However, the offeror cannot engage in any public solicitation or advertising. There is no limit as to the number of accredited investors that can participate. However, only 35 non-accredited investors can participate.

Accredited investors include (among others) the following:

- (a) any natural persons whose individual net worth, or joint net worth with that person's spouse, at the time of the purchase exceeds \$1,000,000 (excluding the primary residence);

- (b) any natural person with an individual income in the two prior years and an estimated income in the current year in excess of \$200,000 or joint income with spouse of \$300,000;

(c) any director, executive officer, or general partner of the issuer of the securities being offered or sold, or any director, executive officer or partner of a general partner of the issuer;

Under Rule 506, each purchaser of units must be "sophisticated," as that term is defined under federal law. Note that an "accredited investor" is not the same as "sophisticated" investor. The term "accredited investor" is specifically defined by the federal securities laws, while the term "sophisticated investor" has no precise legal definition. Both terms generally refer to an investor who has a sufficiently high degree of financial knowledge and expertise such that he/she does not need the protections afforded by the SEC. An investor who is considered "sophisticated," might not meet the precise definition of an accredited investor.

As with Rule 505 offerings, it is up to the offeror to decide what information is given to accredited investors, provided there is no violation of the anti-fraud provisions. Non-accredited investors must be given disclosure documents similar to those used in registered offerings. If the offeror provides information to accredited investors, the same information must be given to non-accredited investors. The offeror must be available to answer questions by prospective purchasers.

Under Rule 506, each purchaser must represent that he or she is purchasing the units for his or her own investment only and not with plans to sell or otherwise distribute the units. The units purchased are "restricted" and may not be resold by the investor except in certain circumstances.

ANTI-FRAUD PROVISIONS

All security offerings, even those exempt from registration under Reg. D, are subject to the antifraud provisions of the

federal securities laws, and any applicable state anti-fraud provisions. Consequently, the offeror will be responsible for any false or misleading statements, whether oral or written. Those who violate the law can be pursued under both criminally and civilly.

Moreover, an investor who has purchased a security on the basis of misleading information, or the omission of relevant information, can rescind the investment agreement and obtain a refund of his/her investment.

So, let's review the requirements of offerings operating under the exemptions we've discussed.

For most film offerings, the offer must be made Privately, to a limited number of prospective investors. In other words, no advertising, web-based or email-blasts can be used to convey your offer.

Next, the amount of the offering must fall within the guidelines, which vary depending on the exemption you're relying on.

Next, the investors you approach must qualify. For most exemptions, this means that they're either Accredited Investors, or there are fewer than 35 non-accredited investors.

Finally, most exemptions require (and it's always a good idea) a disclosure document containing all material information that would help investors make a fully-informed decision about the opportunity. This is typically called a "Private Placement Memorandum" (PPM)(sometimes called a 'prospectus' or an 'offering circular")

It's important to note that a PPM is NOT the same as a business plan. It is not a sales tool, it's a disclosure document, designed to keep you out of trouble, court and jail. The Business Plan is

only one component of the PPM.

If anything, a PPM will strike you as a list of reasons why the investor might NOT want to invest.

COMPONENTS OF THE PPM

Most successful Private Placement Memoranda include:

- ✓ Highlights of Offering - price, percentage, etc.
- ✓ Risk Factors - the Bad and Ugly
- ✓ Blue Sky Notices (disclosures required for compliance with State securities laws and exemptions)
- ✓ Business Plan (outlining the components of the picture... the Who, What, Where, When, Why)
- ✓ Financial Projections (careful disclaimers)
- ✓ Use of Offering proceeds (how will you spend the money?) (your Budget is a good start)
- ✓ Operating expenses of the Company (this differs from your budget, since it relates to things like overhead, staff salaries, etc.)
- ✓ Terms of investment (details) - how will investors see profits or return on investment, if any? (more disclaimers)
- ✓ PPM must disclose all 'material facts' which might influence an investor's decision to participate. The Good, the Bad and the Ugly.

NOTE: Even when exempt from registration, the Anti-Fraud requirements of the Securities Act mandate that all material facts be disclosed, and that the PPM contain no false or misleading information. Violation can have serious repercussions, including fines, prison, etc.

Even if the government doesn't go after you, if you've failed to make a material disclosure, an investor who's been 'taken' could cancel the investment contract and demand his/her money back, with interest, etc. The assistance of an experienced entertainment lawyer is really essential in preparing the Private Placement Memorandum.

I've seen filmmakers try to cut-and-paste from other producers' PPMs, with disastrous results. It's important that your PPM be prepared with your film and company in mind. It's equally important that you fully understand the contents of your PPM and all of its legal (and financial) ramifications.

Financing a film project is an enormous undertaking. It can be exciting, terrifying, and very rewarding. The help of a knowledgeable and experienced entertainment attorney is crucial to ensure successful compliance with the myriad legal regulations governing such matters.

Gordon Firemark practices entertainment law in Los Angeles, where he helps entertainment industry professionals make smart, successful deals, protects them from liability, and keeps them on track toward realizing their dreams of success in Hollywood. Visit: www.FilmFinanceLaw.com

Fundraising for Success

By Carole Lee Dean

www.FromTheHeartProductions.com

People give money to People, not films....
-The Art of Film Funding first edition 2005

Crowdfunding is in! Everyone is using IndieGoGo or Kickstarter. What's so magic about it? Is it really working? Is it worth the time invested? Is it legal? Let's take a look at how it works and why it is working. I think it's perfect for low, low budget features and documentaries. Let's analyze it.

One excellent reason that crowd funding works is because it contains the basic concepts for film financing. Actually they are teaching you how to raise money. You still do all the work but now you have a list of proven items to complete in order to create your platform.

You can show your trailer and make an "ask" online with thousands of other filmmakers. I wonder if people sitting at home with their morning coffee think, "I should donate to a good film today, so I will go on IndieGoGo and find some place for my money." I doubt it. So why is it working?

Is it because people are getting an intriguing, personal, heart-felt plea in their inbox? One that is entertaining and motivating. Usually someone you know has referred the filmmaker to you. Imagine your donor listening to a talented filmmaker saying, "We are close to our goal, please help us. We need to raise \$3000.00 more to shoot the trailer for **Love at First Bite 2**. Your donation can make the difference. Now you tell your potential donor why this film is so important and tell them you have a deadline. You must have your money by xx date because you have been given a great discount or some compelling reason.

This is working. It's the emails flying from one person to another. It's people reading your compelling "ask." The donations are coming from people in their comfortable surroundings where they can click a button and send you money easily. It's the filmmaker being able to describe the essence of their film from a short pitch and a brilliant trailer. This is opening pocket books across the globe. It also empowers the donor. They like helping you.

The funding procedures outlined for you by the crowd funding organizations is what some experienced filmmakers know and do automatically. For emerging filmmakers, the crowd funding people have put it all together for you. They tell you exactly what to do and when to do it.

You still do all of the work if you have your film on their site or on a fiscal sponsor's site, and it's your decision if it is worth the time involved. It's your job to drive people to your site to make the donation. (Yes, features are often covered by a fiscal sponsor. **From the Heart Production is the fiscal sponsor for features.** All proceeds are donations, not investments.)

The question is can you drive as many people to your web site without being part of the crowd funding site?

Let's outline what you need to do to raise money with or without a crowd funding company.

First you need to get an outline of your feature, preferably a synopsis of 1 or 2 pages maximum. Now you need money for your trailer. Full information is in an article called "Starting your Film and Creating a Trailer"

<http://www.fromtheheartproductions.com/interviews.php?id=5>

Ok, Carole, we know all this, where are the tricks to online funding?

1. Never ask for the full amount of your budget.
2. Set yourself a reasonable amount to ask for and cut your budget into chunks. Let' say you need your trailer first. Perhaps you want to raise \$20,000 for the shoot, the editor consultations and the final trailer edit. Get that exact number, it may be \$21,345.00.
3. Call vendors and get your own prices for everything. Have a "kitchen sink" budget and a "bare bones" budget. You want both. For more information on budgets see www.reelgrok.com Norman Berns. You may want to raise the bare bones budget.
4. Remember how creative you are when working on the film; well use that same creativity for raising money. Make it exciting, not difficult. It's the life blood of the film.
5. Using a fiscal sponsor gives your donor an immediate tax write off and donors like this, especially for gifts of \$250.00 and over.
6. You can have a fiscal sponsor for tax write offs and be part of IndieGoGo. They have relinquished the 9% deduction for you and you get all of your money no matter if you hit your goal or not. All payments come from your fiscal sponsor. See www.FromTheHeartProductions.com for full information.
7. People want to know who you are and why you are making this film. Get up close and personal with an "ask" for what you need and how you will use it. Remember people give money to people, not to films.
8. Touch their hearts with a compelling story telling them why **you** are making the film. Then tell them what you need now, never alluding to the other \$290,000 you may need.

People can't understand these numbers. They just want to make their house payment this month and your film may cost as much.

9. Give them a "sticky story pitch." You need to tell them a story they can tell their mother, brother, father, and brag about donating to your film. Then those people may want to donate too. Keep your story short and simple. It must be easy to remember and repeat. "You are the carrier of too much information" says Dan and Chip Heath, authors of "Made to Stick." Just give them the facts ma'am, just the facts.
10. In my book, *The Art of Film Funding*, I tell you that the most important thing to remember when making an "ask" is "what's in it for me." The person you are asking is listening carefully to your "ask" waiting for you to tell him/her what you will do for them. You need to give something to get something.
11. Make a list of things you can give people who donate to your film. If your film is like Amanda Mazzanti's *Seeds of Inspiration* you may want to cook deserts with the long-lost Maya seed that is found lying on the jungle floor in Central and South America. You bring those goodies to my house for desert and tell us about your film. For that we give you a \$500.00 donation. Let people have a dinner party with you as the desert maker. You can find more money at that dinner party than you can imagine. Money travels with money, they are close friends!
12. Make a long list of perks for donations of \$20.00 and up for donors. Create gifts that are integrated with your film. A man raising money to write a book offered to write an original poem for a donation. If you are a cameraperson; offer to take interviews for \$250.00, or you will film a family dinner for \$400.00. If you love to cook, offer to personally

cook them a meal; or cook a meal and see your trailer for an evening's entertainment! Do creative unusual things. If you have a friend who is a musician or even a band that will help you then offer to play for someone's party for \$400.00 dollars, or give them dinner and a violin concert - stay in that creativity that brought you to the film industry.

13. Give them credit. What if your budget is \$350,000.00 and someone wants to give you \$30,000? You might make them an associate producer for that donation. Watch the TV shows and you will find 6 to 8 associate producers in one show! You might give an Executive Producer credit for 1/3 of the budget because you want these large chunks of cash. You must have urgency. I need this money by this date because.... Find urgency, if you don't have one, make one.

For example, "I can get a 40% reduction on my editing over the Christmas/Chanukah vacation when things are slow. So, I need my donation by November 30th to pay my editor." Use actor's availability, location availability, things that you have no control over and you need the money by a definite date. Make that a real date that works with your film's needs so you believe in it.

14. Make a trailer just to raise funds for this first part of the film is one idea that can work. Tell people you need a sound person, a DP and you are the director. Pull them into the Hollywood scene and let them get a taste of "filmmaking." Most people love Hollywood so encourage them to feel they are a part of it. Be sure to talk from your heart when you tell them why you are making this film and let them see and feel your passion for the project.
15. *Don't get caught up in money because there are many other things out there that you need.* People can help you with free gifts that support you and the film. Always stay open for

any donation. For example if you need to buy airline tickets ask people for their air miles. Ask airlines for a 50% discount or to fly standby and you give them a credit in the film.

16. What is the core message of your film? What is the subject matter? Be clear on these issues. Each film has an emotional sub content running through it. What is yours?
17. Make a list of words that depict your audience, example if you're making a film on a Shakespeare play by older actors then you Google Shakespeare, AARP, and you have a long list of organizations that have members who are interested in the same thing.
18. I highly recommend Marc Rosenbush for his class on marketing via the internet, email him at marc@zenmovie.com for more information. You will learn how to find these niche audiences. They are your audience, you can find them on the web. Facebook has them out there in groups just waiting for you. Search for blogs and chat groups.
19. Once you think you know your core audience, get on chat rooms and talk about your film. Be open to communicate with others about the subject matter. Ask for information, be open for input on your subject, listen to people and you may find that you have other markets that you didn't realize. Follow all leads. The more people that know about your film the better it is for you in marketing and monetization. Tell them about your film and drive them to the Facebook page to click on like. First increase your fan base and then as you get into funding put your campaign widget on Facebook so they can see your goal. Then you can drive them to the IndieGoGo page for donations. This is how you get money from people you never met for your film, especially when you have great gifts.

20. You might let them come to the set, watch an editor or join a planning meeting. Let them enjoy a piece of Hollywood! They think it's so glamorous, offer to let them meet your crew and learn how you're making your film. These are things they can brag about and spread the word about the film.
21. One filmmaker whose film was being made locally got his local companies involved and they donated coffee and other items to his donors. He marketed these companies in the film and on his web site and they loved working with him. Plus his film was about bowling and he connected with local bowling alleys and they made posters of his film and drove people to donate. Can this work for you?

Preparation before you launch your campaign

1. Bring current your list of friends, family and people in your data base.
2. Find a good email company, [www.ratepoint](http://www.ratepoint.com) or [www.constantcontact](http://www.constantcontact.com) join them and upload your names. You may want one that will not verify each person but will use your list as is. (Make sure you abide by spam laws.)
3. Create an email with your "sticky story." Full instructions on <http://www.fromtheheartproductions.com/interview27.shtml>
4. Ask friends and family to send this to 5 people they know. Do NOT MAIL THIS. Create and keep them in the drafts section. You will send this out on the day of the launch.
5. Look for Affiliate Partners (AP) for your film. Find where your audience is hanging out on the web. Look for groups that

can help you spread the word fast to many people. Groups that represent your core audience. Using the subject matter of the film, create a list of words that depict the film and Google them to find your APs. To decide who to accept, see if they have an opt-in box on the first page. Are they collecting names? Check them out on these web sites to see how many hits a month they get. www.alexacom.com or www.quantcast.com Use this information as your criteria for deciding your top 20 Affiliate partners.

6. Do you have an opt-in box? You need one. Is your site search engine optimized?
7. Decide what you can give to your AP group to get them to put your trailer on their site or do a link to you. Their people are your market so think about what you can give the members of the organization to support your film and connect with you. Then contact the marketing manager, his/her name is on the Alexa site for larger organizations.
8. Create your brilliant trailer with a passionate ask and have it on the first page of your own web site. Be sure it is ready to go on your Crowdfunding or IndieGoGo site. Get feedback from strangers like you would a work-in-progress. Ask if they “feel” anything and are they moved to donate?
9. Optimize your Facebook page. You need a personal profile and a business or product fan page that is separate.

You want to optimize the business page and put an opt-in box on it. You will need both of these when you start chatting on sites you can chat from both.

10. For marketing yourself and the film, always use your logo and your same type face and your specific colors on all of your materials on Facebook and Indiegogo and your fiscal

sponsor's page. Keep branding yourself. Creating trust and familiarity with your audience is important.

11. Find bloggers in your subject matter and www.meetupgroups.com is another good site. Be on there talking about your film before you go live with your campaign.
12. Set up a twitter account and start connecting to people.
13. You need to set all of this up before you launch your campaign. You really need help to do this. Can you use some of your film crew? Ask for interns? It's a lot of work but all of these people are the people who want to see your film and you are building your DVD market while raising money. Just know this work will pay off in many ways.

AFTER YOU LAUNCH

Keep in contact with your funders while you are raising money and especially as you get closer to your goal. Let them hear from you when you have something wonderful to tell them. Like a press release, a large donation, a new person to interview, a new Producer is onboard, the trailer is finished, go here to see it... give them current, interesting info.

Did you know that the movie industry has your number? They know if you see a preview 4 times you are not likely to go see the film, but if you see it 6 to 8 times your likely to go and if you see that trailer 8 plus times you will see that film. So use that concept to keep your contacts updated, the more they hear from you, the more money you will raise. Try to hit that 10 number with really interesting, important information on the progress of the film during your goal period. Set your web site to take comments or use your Facebook page to respond to people.

Compare IndieGoGo and Kickstarter and decide who you want to work with. IGG is 4% plus your 3% paypal or credit card fee and Kickstarter is 5% plus 3%. Do you think you can get more money if you have a fiscal sponsor? That can be a very reasonable fee with IndieGoGo and you don't have to hit your goal to get paid and there is no 9% deduction for monies raised.

Believe me, it is hard when you raise \$8500.00 but don't hit your \$10,000.00 goal to get all those donors back. I know from filmmakers who came to From the Heart for fiscal sponsorship after they did not reach their goals. The ones I worked with only received 50% of what they were promised. It is not easy to go back and get that donation a second time.

Now, let's get into the important part of financing your film!

Using Your Mind to Create Your Film

Henry Ford said, "If you think you can, or if you think you can't, you're right." He knew that the mind is a key component to success. Are you using your mind to fund your film?

My job is to read hundreds of film proposals for the Roy W. Dean film grants. I stay in touch with many applicants, even those who don't win, to follow their progress. Some projects are so heartfelt and the filmmakers so determined that I just want to help them in some way. You would be shocked at how many brilliant films are never made and how many "strange ones" get funded and distributed! I have always believed it is the power of your mind. You either believe it or not.

So you can understand why I jumped off my seat while reading Bruce Lipton's book on *The Biology of Belief* when he said that placebos work better than real pills. Just the thought that a sugar pill will cure you was enough for people to use their minds to heal themselves.

The placebo effect was also the subject of a knee operation experiment. Subjects who did not get the knee operation, but went through the procedure, where they were actually cut open and sewed back up, healed perfectly. Don't tell me that your mind is not the greatest asset you have when funding your film.

Okay, so how do you do it? Well, if it all starts in your head then I suggest you begin working on your vision of the film. Ask yourself, what will it look like? And I don't necessarily mean the cinematography.

Why not visualize the credits at the beginning of the film? Or start at the end and work backwards as Dr. Chopra tells us in his audio, *The Way of the Wizard*. See yourself at Raleigh Studios screening room with standing room only. Hear the applause as the film finishes and feel the power of completion.

Remember when you were a kid and you spent time daydreaming? Well, go back to that. Yes, give yourself daydreaming time. Fred Alan Wolf in his book, *The Dreaming Universe* tells us that when we daydream we may actually go into the future and create our dreams into reality. He says a "handshake across time" occurs during daydreaming that may actually create the future. Things soon begin to happen in your day-to-day life that you may call synchronicity, but actually these events are exactly what you need to create your dream.

Next, how's your confidence? Do you feel like you could be a success? Is it still totally non-existent from the last rejection or the last time your best friend said, "Do you really think you can raise all that money?" This illusive lady of confidence has to be your best friend and never leave your side. Film investors can smell fear 10 feet away.

How do you treat yourself? Always putting you down for the least little thing? Filmmaking demands you respect yourself. It's time you realized your brilliance.

What are you manifesting in your life? Problems? Or are your days full of joy where things just fall into place? Sometimes you manifest what you don't want because you are not focusing on what you do want. Get a vision of your future and begin to see it on a daily basis. Write down your vision and keep it with you so that when you are driving, standing in line, etc. you can be creating your future.

See yourself with a fat bank account and hear yourself negotiating with Paramount for distribution. Act like you did when you were 10 years old, when you knew you could have anything. All you had to do was to see it, know it and then there it was, like magic you materialized it. Right? Think back, I bet you materialized your first bike and your first car. That was before you had to get out and make a living. Well, that magic is still there and it's waiting for you.

What do you want to achieve over the next 6 months and what do you want to be doing one year from now? Write these things down and write them in the present tense, as if they are happening now. Say them out loud with passion and enthusiasm. Once you believe it's real then the Universe begins to move heaven and earth to support this vision.

If you're not using your mind to help you with your filmmaking, you are not alone. It has been a problem for a long time, but the list of ideas I have given you will hopefully get you moving in the right direction. Even Cassavetes saw this problem back in the '60's.

“What happens to artists is that it’s not that somebody’s standing in their way; it’s that their own selves are standing in their way. The compromise really isn’t how or what you do, the techniques you use, or even the content, but really the compromise is beginning to feel a lack of confidence in your innermost thoughts.” - John Cassavetes

As president and CEO of From the Heart Productions, Carole Lee Dean produced over 130 television programs, including the popular cable program, HealthStyles, and the historical show, Filmmakers, now housed in the National Archives. In 1992, she created the Roy W. Dean Grant Foundation in honor of her late father.

To date, Carole’s grant and mentorship programs have provided filmmakers with millions of dollars in goods and services and have played an instrumental role in creating important films. She is the author of The Art of Film Funding: Alternative Financing Concepts and The Art of Manifesting: Creating Your Future. www.FromTheHeartProductions.com

The Role of the First Assistant Director during Pre-Production

By Peter D. Marshall

www.ActionCutPrint.com

Pre-Production: A Process of Discovery

As a First AD during pre-production, your job requires you to analyze and breakdown scripts, put the right people together, gather and assimilate departmental information and then distribute that information to the crew in an efficient and timely manner. This process requires you to have a systematic and detailed approach to your work.

I call pre-production a “Process of Discovery” because it is during this time that all departments discover what they need to do in order to make this particular movie happen. All this takes time and the more time you have in prep, the more you will discover and sort out before you go to camera.

If you are going to spend money anywhere on a film, make sure your crew get the prep time they need. By cutting down on prep days to save money, you could end up paying more when you are shooting.

Pre-Production Activities

The following list discusses the basic pre-production activities of a First Assistant Director for any feature film or television production. At the end of this list, I have also included an overview of the First Assistant Director’s basic responsibilities and duties during pre-production.

Keep in mind that these activities and duties will vary (some more, some less) depending on the scale of the production: (ex: big budget Feature, low budget Feature, TV Movie, TV Series, Web Series etc.)

1. Location Scouts

Looking for locations is usually the biggest part of pre-production on most films - unless the film all takes place in the studio or you are going for that “green screen” look! Locations have to be locked as quickly as possible so that all departments can begin working on their budgets and schedules.

2. First Scouts (Director First - Schedule Second)

As you begin scouting, you will feel as if you have all the time in the world to find your locations - even on an 8 day television series. So the “first scouts” are usually more relaxed - longer lunches, stopping for coffee, lots of stories and getting to know each other in the van.

As you go on these early scouts, everyone will be looking for locations that work for the Director first, and then it will be up to the 1st AD to see if you can make it work for the schedule.

3. Last Scouts (Schedule First - Director Second)

As you go on these last scouts, you will be running out of time and the stress level will be higher. Depending on the size of the budget (and who the director is) you will be looking for locations that will work for the Schedule first and for the Director second.

4. Department Head Meetings with the Director

The AD Department is responsible for scheduling all meetings with the Director. An Assistant Director (1st AD or 2nd AD) will usually attend all of these meetings.

5. Director and 1st Assistant Director Meeting

There are several one-on-one meetings you will have with the Director during the pre-production of any film. You usually go through the script scene-by-scene with the Director so they can give you their notes on how they plan to shoot each scene and what special equipment they need (ex: crane, steadicam, circle track, special lenses, insert car etc.)

6. The Assistant Directors and the Director's Assistant Meeting

On most Feature Films, TV Movies and TV Pilots, the Director will have an assistant to help them with everything from getting lunch, formatting script notes to arranging their personal schedules for the duration of the movie. A well organized Director's Assistant is invaluable to the Director - and they are also an important ally to the Assistant Directors as well.

7. The Extras Budget

The Extras budget is usually the only budget the AD department has to manage. You start by getting the Extras budget from the Production Manager which is usually listed in "man hours" for the show.

You should budget high for the extras because every director will want as many extras as they can for a scene. As all film budgets do, the extras budget will eventually be cut down, but at least you have a good starting point.

8. Extras Casting Meeting

This meeting is very important for many departments because of the overlap that occurs with extras (Hair, Makeup, Costumes, Props) This is also the meeting where the Assistant Directors can have some creative input with the Director on the number and look of the extras as well.

9. Stunts and Special Effects Meeting

It is always a good idea to schedule these two meetings together since there is much overlap between these two departments. Because these two departments have more safety concerns than other departments, it is a good idea to get to know the Stunt Coordinator and SPFX Coordinator as best you can during pre-production.

10. Safety Meetings in Prep

On most productions now, the First Assistant Director is the Set Safety Supervisor (at least in North America), which means you have the final say on the set when a stunt or effect is ready to precede. As the Set Safety Supervisor, you also have to be present at any Safety Meetings that are held during pre-production.

11. Visual Effects

Visual effects (CGI) are in! Almost every film or TV show has some kind of visual effect in them now: everything from creating gunfire flashes to crowd duplication to complicated Green Screen shots.

If the production you are on has lots of visual effects, you will be scheduling many meetings over the course of your pre-production. Keep in mind that each shot costs thousands of

dollars, so creative planning and scheduling is a matter of budgetary importance when dealing with visual effects.

12. Children

Working and scheduling children (under the age of 16) is a difficult challenge for the First Assistant Director because children work less hours than the crew's normal 12 hour day - and the younger they are, the less hours they can work.

Add school time to that during school months (3 hours per day) and you end up having a child actor in your film that can spend maybe 4 - 6 hours in front of the camera.

13. Animals

I have worked with a variety of animals, birds and reptiles on film sets over the years, and no matter what the trainers say, whatever you need the animal to do, it's always a gamble as to whether they will perform the way the director wants them to the first time. And they will almost never perform the same way twice! Remember that working with animals is very demanding and they require a unique method of "creative scheduling."

14. Production Coordinator

The production office handles all the paperwork distribution, script revisions, travel memos, crew lists, lunches and just about everything else that makes a film production run smoothly and efficiently.

The Production Coordinator is an excellent ally for the AD department during prep. Make sure she knows what you are doing and where everyone is going at all times (scouts, meetings etc.)

15. Production Manager

In most cases, it will be the Production Manager you will make your financial deal with. You may negotiate your rate with a producer, but it will be the Production Manager who you negotiate with for all your other items such as computer rental, car rental, per diem, cell phone etc.

Also, make sure you keep the Production Manager updated on your one line schedule and discuss all concerns with them regarding time and budget. Let the Production Manager know if you foresee any problems as early as you can like additional equipment, overtime and meal penalties.

16. Key Location Tech Survey

The Key Location tech Survey is where the department heads and their assistants, plus the producers and director, get on a bus and visit all the locations for the film. Depending on the budget of your film, and how many locations you have, this survey could take a half day or several days.

The Key Survey gives the shooting crew their last chance to go over all the technical requirements for filming at a particular location. These surveys are very important and you need to help schedule the appropriate time needed at all the locations with the Location Manager.

17. Production Meeting

We all hate meetings but they are a necessary evil in any business. In the film and TV industry, the Production Meeting is the biggest and most important meeting because this is where you read through the script to review the director's concepts and all the production arrangements.

If this is a TV series or low-budget movie, this meeting is usually the last time a Director can ask for anything that will impact the budget.

18. Hair, Make-Up and Costume Department Head Meeting

After the production meeting, I like to have a meeting with the Hair, Make-up and Costume department heads to see if we need to change the daily scene order to save shooting time on set.

19. Key Grip, Gaffer and First Assistant Director Meeting

A meeting I like to have shortly after the Production Meeting is with the Key Grip and the Gaffer. In this meeting, we go over the shooting schedule day by day and scene by scene.

What we are looking for are ways we can improve the schedule by moving scenes around to help with logistics and lighting.

20. DOP and First Assistant Director Meeting

In this meeting, I go over the schedule scene-by-scene with the DOP to figure out how long WE feel each scene will take to shoot. I make a note of these times and this becomes my guide on how to organize each day. We also discuss re-arranging certain scenes to get a better work flow from the crew, how to better manage the days and other logistics.

21. Assistant Directors, Transportation, Locations Meeting

These three departments are responsible for the logistics of any film production. It is very important that you get these three departments together (after the Tech Survey and Production Meeting) to go over each location and discuss all location logistics (unit parking, crew shuttles, lunch tents etc.)

22. Cast Wardrobe Fittings

The Costume department needs time to find the right wardrobe for the actors. You need to schedule in the appropriate amount of time for the actors to meet the designer as well as have several fittings. This gets more complicated if your film is a period piece or when the costume department has to “build” (design and make) the costumes.

23. Props Meetings

Most actors need a variety of props during the shoot. This is the time where the prop department has gathered up the props for each actor so they can get approvals as well as measure the actor for proper sizes on rings etc.

24. Special Training/Rehearsals (Military, Dancing, Riding Lessons)

Do the actors in your film need to know how to ballroom dance? Swordfight? Shoot weapons? Drive a certain vehicle? Speak with a dialect? Be part of a special unit? (Soldiers, police, firefighters, doctors, etc.)

The last weeks of pre-production are the time when actors are given the opportunity for special training and rehearsals. A character in a film knows what they are doing in their chosen profession - but the actor may not. It is also imperative that they get as much training and rehearsals as possible throughout film production (within budget of course.)

25. Camera, Hair and Make-Up Tests

Camera tests are very important for the DOP and the Director. It gives them a sense of what the film will look like before they go

to camera. Lenses, shutter speeds, filters and lighting designs are just some of the examples of what gets tested during this process.

Hair and Make-up tests on the actors are crucial at this time as well. The relationship between the actors and the DOP is a very important one because the actors want to know how they will look in front of the camera.

Also, special make-up effects need to be tested for color and texture as well as the look of specific hair designs and wigs. And don't forget - studio and network executives want to see what they'll be getting for their money.

26. Cast Photos for Art Department and Props

Depending on the subject matter and time period of your film, the Art Department will need to get photos from the actors as well as shoot photos of the actors to help sell the environments in which they "live.

And what about when a cop shows his Police ID photograph, or we see a mug shot of a "bad guy?" These photographs have to be taken by the props department before the scene takes place. They have to be scheduled as well.

27. The Script Read-Through

The script read-through is when the director and cast discuss the script and their characters. This read-through is the first opportunity that everyone can get together to start the process of working on the script. This usually happens in a hotel room where the available cast, director, writers and the producers sit around a table and read the script.

28. Cast Rehearsal

Based on the budget of your film, who the Director is and who your main cast are, these rehearsals have to be scheduled as well. After the read-through, the director will want to rehearse certain scenes based on the specific needs of the director and actors.

This is so they can sort out character and story issues privately before standing on a set with 100 crew members watching.

C. The First Assistant Director's Pre-Production Duties

The following list is an overview of the First Assistant Director's basic responsibilities during the pre-production of any film or TV production.

1. Breakdown the Script

The first job you perform when you get hired as a First Assistant Director is breaking down the script. What this means is that you mark, colour and add up all of the script elements that you will eventually input into the one-liner and the shooting schedule.

2. Prepare the One-Liner

After you have marked your script, you then begin inputting all of these elements into your film scheduling program or your breakdown sheets.

3. Design the Shooting Schedule

After you have finished inputting all of the elements from the script, you start to assemble these elements into a preliminary shooting order. This process changes and evolves over the

course of pre-production because you will be constantly receiving new information and script revisions.

4. Create a Day-Out-Of-Days (DOD)

Once the schedule is complete, you will distribute the Cast Day-Out-Of-Days which shows the work, travel and hold days for all actors during the length of the shoot.

5. Schedule all Meetings

The Assistant Directors are responsible for scheduling all meetings with the director during pre-production.

6. Shot Lists and Storyboards

If you are lucky, you will work with a director who gives you a shot list. Shot lists (like storyboards) should be used as guides to help you better organize your schedule.

With a shot list, you can use the number of set-ups the Director wants per scene to help you time your shooting day, rather than just the page count.

Storyboards are also a great way to prepare your scene and shooting times.

7. Prepare the Call Sheet with the 2AD

The 2nd AD is responsible for preparing the daily Call Sheet but they must have all the scene and timing information from you first so they know when to bring in the actors and other crew.

8. Prepare Shooting Times

This is a list of times where you want to be during each shooting day. You have to figure out how long each scene will take to

shoot and then you mark the times when you want to begin a scene and when you want to finish the scene. This gives you a guide for where you want to be at any given moment in the shooting day.

9. Schedule Stock Shots, Photographs, Inserts

These items have a tendency to be forgotten or not mentioned in detail during pre-production. Make sure you make a note of all of these items with the appropriate departments so nothing slips through the cracks.

10. Schedule Video Playback and Computer Playback Scenes

Video playback is used for scenes that require an image on a television monitor to be viewed by the camera on set.

Computer playback is when the camera sees images on a computer screen on set.

To schedule these scenes properly, you have to note all the scenes that require playback and when they appear on your production board. You then need to schedule enough time before these scenes will be shot for the TV playback images to be created and the computer images to be generated.

11. Schedule Second Unit Scenes

Second Units are smaller film production units that work on specific scenes during the main unit shooting period. They usually handle visual effects plate shots, stunt scenes (such as car chases with stunt doubles), aerial shots, and establishing shots and insert shots. They can even be used to film entire dialogue scenes with actors if the main unit cannot handle it in their schedule.

D. In Conclusion

Understanding the differences and similarities between both Television and Feature Films is essential to a successful and productive career in the film business because of one word: **Politics!**

In my opinion, the #1 difference between Television and Feature Films is:

1. A Television Series is a **Producer's Medium.**
2. A Feature Film is a **Director's Medium.**

This fact alone will give you a distinct advantage when it comes to surviving in the film and TV industry.

As filmmakers, most of us aspire to work on big budget Feature Films, but the reality is, depending on where you live, you will probably spend most of your time doing episodic Television or low-budget indie films. But this is not a bad thing!

Television and low-budget films are where we first discover the politics of the business. It's also where we learn to sharpen our skills, practice our craft and perfect our art.

Working on television series or low-budget films is also where we have a chance to rise up through the ranks and be noticed: the opportunity to be hired as the "First" in any department.

Remember, getting a job in this business is not just about how many credits you have. It is also about:

1. Who you know.
2. Who you have previously worked with.
3. Who you have upset (PM's, Producers, Directors)

And sometimes, getting a job in this business is just about timing and good luck - being at the right place at the right time when the phone rings!

Peter D. Marshall is a filmmaker from Vancouver, Canada. He has worked (and survived) in the Film and Television Industry for over 35 years – as a film director, television producer, and a first assistant director and TV Series creative consultant. He writes and publishes the monthly filmmaking ezine, “The Director’s Chair” which is currently read by over 3400 filmmakers in 100 countries around the world.

To find out more, visit: www.ActionCutPrint.com

Modern Guerrilla Filmmaking

By Gary King

www.GrKing.com

About a year after shooting my first feature, NEW YORK LATELY, I was talking to my friend and regular collaborator Jason Varner about our next projects — and how I wish that we could shoot something quick and fun... But that since he recently moved from Brooklyn to Colorado (I live in New York) it was not possible. He responded with “I’ve got JetBlue miles...” and we were off to the races.

I took a week to create an 8-page treatment for the story about a woman’s struggle with loneliness and her after-hours journey embarking on a series of strange encounters wandering the dark metropolis. I specifically wanted to work with Jenn Dees again, after having met and worked with her on NEW YORK LATELY.

I met with Jenn and discussed the treatment. We then worked on it together. I wanted to involve her in the creative process from the very beginning. Our approach to this film would not include a traditional script, but rather use the treatment as our guide and utilize heavy improvisation techniques to find our story. This was both exciting and daunting. Jenn and I agreed that although we would shoot many scenarios and options, we would discover our real story in post... Or rather, the story would discover itself.

Our main concern was would audiences be able to relate or sympathize with the main character (Luci). The last thing we wanted was to portray a very unlikable protagonist with no redeeming qualities — as the film could be very inaccessible and struggle to find viewers. But we also wanted to create a realistic portrayal of a woman who is not just a one-note

character. Because of this, I asked Jenn if she would be interested in creating a series of voiceover pieces for Luci to describe her world and her life experiences. She enthusiastically agreed. We decided that she should come up with the writings after we shot the film (after she had experienced being Luci).

In late April 2009, Jason flew in from Colorado and set up shop at my apartment. He would stay for about a month as we shot for 21 days. Since Jenn worked a day job, our shooting schedule usually would start around 6pm (which was fine since the majority of the film took place at night) and last until around 1am. Jason and I would head back to my place to log and view the footage each night — which meant we went to bed around 5am. It was a hectic schedule that I found an odd comfort in.

Since there was not a lot of money behind this film (is there ever?) we decided to use minimal equipment to be able to get around the city quickly and easily — and there were several techniques that I had to use in order to keep the costs down. Working with a micro-budget forces one to be very resourceful and aware of one's limitations. Sometimes this is good... sometimes not.

LOCATIONS

With this film, not having much money meant that the locations we chose either had to be in a place that someone could help us secure for no fee. For example, I was able to utilize a friend's place, or someone's workplace, or shoot in a spot without prior permission with the risk of getting booted. This is the essence of guerrilla style. This should mainly happen once you have exhausted all resources, favors, funding and you still need to shoot at a particular location (without causing disruptions or safety concerns for anyone involved).

Of course there could be creative reasons for a filmmaker to shoot guerrilla style, but for the purposes of this chapter I am referring to a situation where one would like to shoot in a public space — for example a city street — without permits or permission. Please note I am not talking about private property where you would be considered breaking and entering.

To be guerrilla and shoot in a spot where one does not have official permission there are several steps to take in order to be prepared.

1. **Location Scout** – this is the first and most crucial step. First finding the spot that fits what you need to tell your story. Once you find your location, be sure to scout it at the same time of day you plan on shooting there. Is it a weekend day? A weeknight? A Monday or a Friday?

Be mindful of any foot or vehicle traffic in the area. Keep in mind that when the crew shows up, if you block or impede any path, you are going to draw serious attention to yourself, which could get you kicked out. Ideally, look for unpopulated areas.

2. **Look for practical light sources** – Try to find ways to light your scene using the available light. Do not bring in tons of lighting equipment and gear. You want to avoid getting in the public's way at all costs unless you have a shooting permit and have permission from the proper authorities.
3. **Bring minimal crew and equipment** – Bring the essentials of what is needed to complete the scene. Does everyone need to be there to get it done? If not, have them wait on standby at a designated location – or even better give them the day off. The motto for this day should be “less is better”. You should also inform the cast and crew that you plan to shoot in an area without permission to make sure they are comfortable with the situation. If they are not, you need to figure out an alternative.

4. **Rehearse in another spot** - Assuming you have scouted the location and know its nooks and crannies, have the actors block out the action in another “safe zone” so they know what to do in the actual spot. This way no one is wasting time in the shooting area trying to figure out what to do and how to shoot it. If the action is blocked out ahead of time, the DP/crew can also see what is going to happen in order to move the scene along efficiently with you.
5. **Get in and get out** - Be sure to get what you need first. What are the essential shots you need to tell the story? Grab those first. Any expendable shots should be held off until the end and considered icing on the cake. If you’re not sure what shots to grab, you probably aren’t ready yet.
6. **Be prepared with a contingency plan** - Have a backup location should you not be allowed to shoot in your first choice. The last thing you want is to send everyone home. I’m sure juggling schedules to make the day happen was tough enough – so why go through the hassle again when everyone is there ready to go? Have a location A, B and even C if needed. Get that scheduled scene done no matter what.
7. **You are a Film Student** - People love and support aspiring filmmakers. They understand even more that as a student you probably don’t have much money. I’ve experienced it firsthand that people in NY are supportive and will leave you to your own devices if you just say: “I am a film student.”

Time for a disclaimer. For all intents and purpose, this guerrilla information is meant for your simple reading pleasure. As a filmmaker, I am not in a position to condone such behavior nor am I admitting to having done anything like this in the past. This is more of a hypothetical. Yeah, that’s it.

So if you're wondering how I was able to shoot any of my movies in a certain, high production value locations, then my response is this: we actually filmed on a sound stage made to look exactly like New York City. (Wink.)

All kidding aside, this type of strategy does not apply to all situations. Depending where you are in the world, some cities have different permit requirements or may not require permits at all. Check with your local film commission for guidelines.

THE POST FLOW

After wrapping production in May 2009, I began the task of putting together an assembly cut based on the treatment that I had developed with Jenn Dees (who plays the main character "Luci"). Since I was editing the project myself, I took the very unorthodox approach of not slating a single take as we shot. I knew that I was going to personally log and organize all the footage — which meant watching every single frame that was shot (in addition to already having seen it "live on the set").

Becoming very familiar with the footage, including every nuance and performance would be my goal before beginning the creative edit. Would I do this again? It depends on the project. For something with a concrete script with scene numbers — no way. For another improv-based project such as this — probably.

I managed to sketch my LOVELY editing roadmap out around Week 6 of the editing phase, while waiting to meet a friend at a hotel in New York's Union Square. Yes, my mind works at the oddest times which explain why I bring a notebook wherever I go. With this project, my mind was going all over the place as I ordered out every single scene of the film. I also added little notes for new ideas to try out. Then I shuffled scenes around a bit as I was sketching the roadmap as things became clearer on the order they needed to appear.

FIRST TEST SCREENING

In early August 2009, a preliminary cut was finished and in enough shape to share with an audience for feedback. Not having access to an affordable public venue, I invited people over to my apartment. Anonymous surveys were handed out to the audience members, which comprised of close friends and colleagues — and friends of friends after the screening.

I also extended an invitation to stay afterward and discuss the film should they wish to share their thoughts in an open forum with others. Following the model provided by filmmaker Zak Forsman, I informed everyone that I would not defend anything in the film during the talk. I was simply there to listen and address specific questions — which I turned back on them if at all possible to see how their initial reactions from the screening influenced their thoughts and conclusions about the film.

Initial reactions mainly focused on three specific scenes (thankfully, it was consistently these three scenes, or I would have been in trouble trying to figure out where to begin). To my relief everyone liked the main character “Luci” and actually wanted more of her — even though she already occupied about 90% of the screen time. This was a very good sign we were on the right track — as both Jenn and I felt it was crucial to create a likable character if the audience was to spend as much time with her as they do.

For this cut, the original ending was entirely omitted and a new (more open-ended) one was created. This film leaves much to interpretation and I was concerned it was too out there for its own good. I am aware of the motto that “It’s good to be ambiguous...but you have to be clearly ambiguous.” The good news was everyone seemed ok with the ending. It should be noted that the crowd invited consisted of people who enjoy arthouse cinema and therefore my target audience.

Before the next screening, I met with Jenn to discuss the audience reaction. We talked about the changes needed and some voiceover work that had to be revised to match the evolving storyline.

SECOND TEST SCREENING

I shaved off a few minutes by tightening every scene in the film. To do this, I removed extraneous dialogue, added additional voiceover sequences. Anonymous surveys later revealed that now only one scene (of the original three unclear scenes identified at the previous screening) still needed work.

Additionally, post-screening conversations revealed that a few viewers picked up on the story elements loosely based on a literary classic (which shall remain nameless) which I was happy to hear — but I was encouraged to be more “clearly ambiguous” for the next cut should I wish viewers to really pick up on it. The talk also sparked a healthy debate in the room regarding the film’s symbolism and themes. I just sat back and smiled knowing the film had done its job in that respect

THIRD TEST SCREENING

Before the next rough cut screening, I decided to get a few pick up shots (which was now 5 months later from the original shoot) with Jenn Dees and Aidan Kane (a supporting character) — mainly to create a newly found storyline that needed a few shots to set up. Luckily they had not changed their appearance drastically. Additionally, some major plot points in the original written treatment were not as important anymore and were dropped or trimmed down. Jenn also recorded some new voiceover material to replace previous content in light of some new story developments. We were both really encouraged in what we were discovering and shaping.

I also deleted two voiceover sequences and re-edited others. The original ending now shifted to Act 2 of the film with the newly created storyline. And with this, I added a new shot for the ending. Feedback was very positive and encouraging.

Although not an all-time favorite director of mine, it was nice to hear someone say “it’s like a good David Lynch film.”

The most positive aspect of the last test screening was the questions raised were exactly the ones I wanted to hear — but did not wish the film to answer. It had achieved its goal and I was a proud filmmaker.

I went out with Jenn for a last round of pick up shots to help flesh out visually the final voiceover work. I also tinkered with swapping a few shots around — but nothing major was changed. I should also point out that in between these formal test audience screenings, I was creating multiple versions of the film and sharing them with Jenn and a few other close people for feedback.

PICTURE LOCK

As they say, a movie is written 3 times:

1. The Script (when you write it)
2. The Filming (when you shoot it)
3. The Editing (when you edit it)

For this project, the whole movie ultimately comes down to the editing. Stories could be added, deleted or shaped based on the direction we wanted to go. And luckily, the way it was shot we had some flexibility to do it. We were not always locked in to one plot point. We had some options.

I love the test screening process. If nothing else, it gets an extra set of eyes on your film to gauge how it is working (or not). Sometimes a filmmaker can be too connected to the material and not realize that important elements can be lost in translation to others.

Of course, it would be impossible to please every viewer in the room and that should never be the goal. Think of it as just another tool — a very valuable one — to help determine if you are connecting with your audience the way you want to.

Gary King is a contemporary DIY American filmmaker whose work is known for powerful performances with an emphasis on a strong, visual style. He has written, directed and produced several critically acclaimed feature films. He is a member of [the Workbook Project's NEW BREED](#) — an indie film movement that consists of emerging filmmakers who are creating their own paths with their exciting work.

For more information visit: www.GrKing.com

The Producer of Marketing and Distribution and the New 50/50

By Jon Reiss

www.ThinkOutsideTheBoxOffice.com

Author of *“Think Outside the Box Office”*

As a filmmaker myself, I am well aware of the paradigm shift that has occurred in the last several years as independent filmmakers try to get their films distributed. Through my own work – and talking to countless filmmakers - I have become a firm believer that filmmaking is a two part process. The first part is creating the film – the second part is connecting that film with an audience. There is still a strong belief in the independent film world that filmmakers are only responsible for creating the film and then someone else will take care of distribution and marketing. For a very few filmmakers this might still happen. But for the vast majority of filmmakers – and all artists and media content creators – it won't.

Loose estimates range that there are between 5,000-17,000 feature films made in North America every year and that approximately 35,000 feature films are on the international festival circuit. Most of these are looking for, hoping for, a company to give them a check in exchange for the right to distribute their films. Even in an excellent year of acquisitions – only a relative handful of films will have some form of distribution entity “take their films off their hands.”

(Whether having a distributor is the best course for any film is another debate – I am also a firm believer that every film is different and each film thus needs its own unique distribution and marketing strategy and implementation – but that is for another chapter.)

So it is up to filmmakers and artists to not only own the means of production – but also to own the means of distribution and marketing.

Hence the New 50/50 is as follows:

50 percent of an artist's time and resources should be devoted to creating a film or artistic work. 50 percent of their time and resources should be devoted to getting the film/artistic work out to its audience, aka distribution and marketing.

This is *not* a hard-and-fast rule. Rather, it is a guide to changing our preconceptions.

In the year and a half since I coined “the New 50/50” I feel that it creates too much of a dichotomy between creation of a film and the distribution and marketing of a film. In the best of circumstances – these two “halves” should be integrated into an organic whole. Audience engagement needs to start as close to inception as possible – and with advances in technology – mainly Internet and mobile technology, it is more possible than ever.

I believe that this integration allows for not only much better results in filmmakers achieving their goals of their releases (whatever those may be) – but also allows for the distribution and marketing process to open up to new forms of creativity as well. Distribution and marketing can be as creative as the filmmaking process – even to the point where they become indistinguishable. This should not be scoffed at, as some form of branded entertainment – rather should be embraced as a revolution of artistic possibility. (However it is actually branded entertainment in which the artist is the brand.)

The Birth of the Producer of Marketing and Distribution

I find that most filmmakers (directors and producers both) I speak to are so overwhelmed with the amount of work involved in creating “a film” –they don’t have the time to connect with audiences or create additional assets during production to aid in later marketing efforts (or as creative extensions of the project). Further, many filmmakers (especially directors) do not have the skill set or inclination to engage directly with audiences. As a filmmaker, I can relate to these feelings myself.

In addition, just like you most likely did not make the film on your own, you should not be distributing and marketing the film on your own. I would propose that from now on, every film needs one person devoted to the distribution and marketing of the film from inception, just as they have a line producer, assistant director, or DP.

Just before sending *Think Outside the Box Office* to print, I came up with the concept of the Producer of Marketing and Distribution or the PMD. I gave this crew position an official title of PMD because without an official position, this work will continue to not get done. I gave this position the title of producer because it is **that** important.

In addition, in doing the work as a PMD for my own film as well as consulting on a number of other films, (and having produced three feature films myself) I can state that this work is producorial in nature.

The purpose of the PMD is for one person on a filmmaking team to be responsible for audience engagement. Note that I use “distribution and marketing” and “audience engagement” interchangeably. I do this so that filmmakers will start to view distribution and marketing (the whole process from beginning

to end) as audience engagement. E.g. Audience engagement starts at awareness – and keeps going through consumption and beyond to the future.

To continue: the purpose of the PMD derives from the recognition that filmmakers (filmmaking teams) need to own the audience engagement process *and* that this process should start as early as possible – either at inception or no later than the beginning of pre-production for the best results.

The need for a PMD also results from the recognition that audience engagement is a lot of work (perhaps as much or more work than actually making a film) and that traditional filmmakers (writers, directors, producers etc.) are already busy with the task of making a great film. These traditional members of a filmmaking team rarely have the extra time to devote to distribution and marketing (so it often falls by the wayside).

In addition, many traditional filmmakers are not suited or interested in the kinds of tasks that audience engagement requires. It also recognizes that most split rights distribution partners and some traditional distributors will not spend adequate time or money on promotion when the film is ready for distribution. The earlier in the process this is started, the more successful it will be for everyone involved.

What are the responsibilities of a PMD?

The responsibilities of a PMD are wide and varied. Not all films will utilize all of these elements (since every film is different and will have a unique approach to marketing and distribution), but each should be considered when strategizing and planning for the film's release.

1. Identify, research and engage with the audience for the film.

2. Develop a distribution and marketing strategy and plan for the film in conjunction with the key principles of the filmmaking team. Integrate this plan into the business plan for the film. This should also be done as early as possible and should be incorporated into your business plan. This helps your investors, donors, potential grant committees know that you have a clear idea of what your goals are and how you will achieve those goals.
3. Create a budget for the M&D plan.
4. As needed and appropriate, strategize and implement fundraising from the audience of the film in conjunction with or in place of traditional financing which would include: crowdfunding, organizational partnerships, sponsorships and even modified versions of traditional fundraising.
5. Assemble and supervise the necessary team/crew elements to carry out the plan which can include social media, publicity, M&D production crew for extra diegetic material, key artists, web developers, trailer editors, bookers etc.
6. Audience research, outreach and relationship building through organizations, blogs, social media (including email collection), influencers, online and traditional publications.
7. Supervise the creation of promotional content and work with the development of transmedia elements in either coordination with a Transmedia Producer, or in the case where the production is small – there might be one person who fills both roles, PMD and Transmedia Producer.

Other elements to be created: the films website and social media sites, production stills, video assets - both behind the scenes and transmedia, promotional copy and art/key art. Plus the PMD devises an organized content calendar to plan

out what elements are released when and how they will disseminate online.

Just FYI – nearly all of the above and much of 8 & 9 happen *before* the film is finished.

8. Outreach to potential distribution and marketing partners including film festivals, theatrical service companies, community theatrical bookers, DVD distributors, Digital and VOD aggregators, TV sales agents, foreign sales agents as well as sponsors and promotional partners. The advantage of having the PMD on board is that it gives the filmmaking team many more options for distribution and marketing.

No longer do filmmakers have to give up all rights just to get help in releasing their films. Filmmaking teams can create split rights scenarios that can be much more favorable to achieving their goals than many typical distribution deals. It puts the artistic team in the driver's seat instead of being dependent on taking any deal offered.

9. Coordinate, organize and supervise the creation of traditional deliverables in addition to creation of all media needed for the execution of the release as needed including:
 - ✓ Live event/theatrical: Prints either 35 or Disk or Drive. Any other physical prep for event screenings.
 - ✓ Merchandise: All hard good physical products including DVDs and any special packaging (authoring and replication) and all other forms of merchandise: books, apparel, toys, reproductions of props etc, and hard versions of games.
 - ✓ Digital products: encoding of digital products, iPhone/Android apps.

10. Modify and adjust the marketing and distribution plan as new opportunities present themselves during the film's life span regarding information about audience, market, and partnerships arise.
11. When appropriate, engage the distribution process, which includes the release of:
 - ✓ Live Event Theatrical – Booking, delivery, of all forms of public exhibition of the film including all elements that make the screenings special events (appearances, live performance, discussion panels etc.)
 - ✓ Merchandise – Distribution of all hard good physical products created for the film.
 - ✓ Digitally – oversee all sales of the film in the form of 0s and 1s: TV/Cable/VOD/Mobile/Broadband/Video games etc.
 - ✓ This not just in the home territory – but also internationally.
 - ✓ Some of these activities may be handled in conjunction with a distribution partner in which case the PMD would be supervising the execution in conjunction with that partner.
12. Ramp up the marketing of the film to coincide with the release, which includes:
 - ✓ Content rollout
 - ✓ Additional Social Media activities such as contests, soliciting screening demands, posting press mentions.
 - ✓ Publicity including feature stories, interviews, reviews.

- ✓ Organizational Relationships
- ✓ Sponsorship Relationships
- ✓ Affiliate and Email Marketing
- ✓ Promotions
- ✓ Media Buys (as warranted)
- ✓ Seeding trailers and other video content.
- ✓ Any specific marketing especially tailored to the film.

This list should indicate how it would be difficult, if not impossible, to expect existing traditional crew categories to accomplish or even coordinate the work outlined above. In addition, while some of the work above is “quantifiable”, much of it is not – just like much of what a producer or even director does is not “quantifiable”. All efforts working in tandem produces the ROI.

The Growth of the PMD

This past year has already seen an uptake in the usage and adoption of the Producer of Marketing and Distribution concept. Here are just a few of the people currently working as PMDs: Michelle Elizabeth Kaffko is the first person to be officially credited as a PMD on IMDB for “Revenge of the Electric Car”. Stephen Dypiango is PMD on the Oscar winning short “God of Love.” Errol Nayci is working as a PMD in the Netherlands. Joe Jestus is an in house PMD for an independent film studio Trost Moving Pictures. UK based Sally Hodgson is working as a PMD for the documentary "Sound It Out" which premiered at SXSW.

I have received many inquiries from producers looking for PMDs as well as people saying that they want to become PMDs as well as people saying that they have been doing this work for some time – and didn't realize that there was a name for it.

Creating a crew position will cause people to seek jobs as a PMD, train to become a PMD, apprentice as a PMD just as people do this for any film crew position. Without a title, it won't happen and this important work will continue to be marginalized. The creation of this crew position should spur schools and institutes to create curriculums in order to train people to fill this role and other people will write books about it (in fact this is the subject of my next book).

I look forward to a near future in which filmmakers/directors will be able to put out calls for PMDs just as they do for DPs and Editors – and that they will get an equal volume of applications. I look forward to the day when directors will develop long-term relationships with PMDs that “get them” just as they do with DPs, Editors, and Producers etc.

These PMDs will help them develop their artistic brand. It all starts with the understanding that now more than ever the sustainable future for artists lies in creating direct and long term relationships with audience.

Named one of “10 Digital Directors to Watch” by *Daily Variety*, Jon Reiss is a critically acclaimed filmmaker who has produced and directed three feature films most recently *Bomb It* about graffiti and the battle over visual public space throughout the world. Based on his experience releasing *Bomb It* with a hybrid strategy he has written *Think Outside the Box Office: The Ultimate Guide to Film Distribution in the Digital Era*. Connect with Jon at:

www.jonreiss.com/blog

[www.twitter.com/Jon Reiss](http://www.twitter.com/Jon_Reiss)

www.facebook.com/ThinkOutsidetheBoxOffice

Buy the book at: www.ThinkOutsidetheBoxoffice.com

Film Festivals: Why Should I Bother?

By Sheri Candler

www.SheriCandler.com

I was approached for this book participation right after I returned from Sundance 2011 working with Trevor Anderson's short film THE HIGH LEVEL BRIDGE
www.dirtcityfilms.com/films/the-high-level-bridge.

Sundance is undoubtedly the biggest indie film festival in the US and one of the biggest in the world. I chose to focus on festivals for this endeavor because I think most filmmakers don't fully understand the festival process or how to make the most of their official selection status.

Ideally, a festival's mission is to introduce work to a local community who would otherwise be oblivious to it. For some festivals, there is a mix of programming; from complete unknowns and from studios or distributors looking for prerelease buzz to bring in the wide audiences. It is valuable to realize this. A mixture is not a bad thing, either for the festival or for the other filmmakers looking to capitalize on the increased media opportunities that such a festival brings.

One can grouse about the amount of attention given to the celebrities and the studio fare, but without it, opportunities for coverage by large media outlets is practically nonexistent. If the journalists are going to be onsite, they will be looking for other coverage, both before and during the festival. A big part of taking part in festivals is getting audience attention and making your film stand out from the noise. This attention will help when you are trying to monetize your film.

Choosing the right festival

Let's start with choosing festivals for submission. As my friend Roberta Munroe (www.robertamunroe.com) points out, just because Withoutabox sends you submission information doesn't mean you should submit to every festival you can. WAB is a business that makes its money on percentage from submission fees. It is in their interest to persuade you to submit to many. Same with festivals themselves. The more submission fees they receive, the more money they have to use for those who are accepted. I don't think most of you want to be financial benefactors to festivals and other filmmakers, much as you may love them, so be discriminating on which ones you choose.

Be very clear about what you want from your festival tour. Are you looking to sell the film to another entity? You should submit primarily to fests with markets or ones that acquisitions executives attend regularly like Sundance, Berlinale, SXSW, Tribeca, Cannes, Toronto. Next, look at what cities have corporate offices for distributors. Obviously, New York City and Los Angeles, but also Chicago, San Francisco, Houston, Paris, London, Toronto etc. Consider fests in those cities.

If your primary goal is to reach and build an audience, then you'll need to be very specific about who the audience is and where they live. If you have started doing this well before your festival premiere (and I KNOW you have!), you can even plot out where your most fervent supporters are and choose festivals in their cities. You could even post a map on your site to demand screenings to see where you have the most interest. Check out: www.crowdcontrols.cc

Why fests instead of just booking a venue? Do the math; it is far cheaper to screen through a festival than it is to book a theater and do all the advertising on your own. Also, chances are the local media will be covering the festival (often they are media

sponsors), but they may not cover your film if it is screening on its own. Piggy backing on the marketing efforts of a festival can save you money and give you greater leverage in having the press cover your screenings.

When you have made a list of your likely festivals by city, then the real research begins. Sites like www.squirrel.to and www.ultimatefilmfest.com are a good start.

Also put the names of your intended fest into Google and see what comes up. These days, there is a lot of resource sharing in the filmmaker community, for free online. I find most filmmakers are pretty generous about their experiences so look at what films screened at the festival you are eyeing and send an email to the director and see what he/she says of the experience. Google is your friend, get comfortable using it.

If you want to pay for some expert advice, someone who can help you sort through the clutter and tell you the real deal on how fests are run, consider hiring a film festival consultant. My advice is find someone who has spent some years programming at a well-respected festival or has high level connections at festivals. Even if they aren't actively programming now, they still know people. Those people keep up their contacts and you can bet that when it comes time to program, they all consult with each other on what films out there are worthy.

Yes, the consultant can tell you where to submit, but they can also be well worth the investment if their recommendation results in better consideration. Beware of anyone guaranteeing you festival placement though. Their reputation is at stake when they recommend so they should be very discerning when it comes to giving out suggestions and very clear with you that your film must stand on its merits, not their push.

If you just want to save the money and tackle it on your own, your research should take you to the websites of all your likely festival candidates. They had better have one and it had better be kept up to date, even in the off season. If they don't have a person devoted to marketing the festival to locals year round, you might be cautious about how great of a job they do during the season. If the festival doesn't have a presence in the community, the chances of getting large local audiences goes down. Have they been around a while? What kind of turnout is usual? Do they have any social media presence (they should) and if so, how often is something posted there? Does their community seem active? Do they have sponsors? All are indicators of how much attention they have in their community.

Also, don't rely just on their marketing speak on the site, look at the films previously programmed. What is the taste of their programmers? Do those films seem on par with yours? Did those films go anywhere else? (you can Google the titles). Does the festival actively champion the films during the festival, say on a blog or on their Facebook page? Do they keep up with their alumni films and update the local community if those win a prize somewhere or receive distribution? This indicates how committed the festival is to supporting films and filmmakers.

Now you have it narrowed down to the likelies, you've viewed their submission policies, their premiere policies, their format policies and deadlines. Start making a grid of where you are submitting, when the deadline is, when the festival runs. If you plan it right, you can have your print travel from fest to fest for free shipping costs rather than having the fests send it back to you, but that may not always be possible, depending on your acceptances.

Try to use a site like Withoutabox as it makes the application process go smoothly. Put your DVD screener (if you have to send it that way) in a plain sleeve (not a clamshell or plastic

case), but mark your title and tracking number on the disc. Don't send any press materials yet, but have your profile filled in on the WAB site with all the details about the film in case anyone looks. Make sure you follow all the submission guidelines so you won't be disqualified before the film is even viewed. Now submit and wait.

A comment about not being accepted

Inevitably, not everyone will like your film and there will be some rejections. If you are ONLY receiving objections after you have done careful research to make the best fit, you should take another look at your film. I have heard others say to just write the festivals off and go head long into self-distribution, but I will say don't discount what people are trying to tell you about your film. If NO ONE is accepting it, there are problems that should not be ignored and your film will probably fair no better in self-distribution than it did in fests.

If you can't see the problems, work with a film consultant who can help you see it, do test screenings (which you should have done anyway with an impartial audience) and take on board what is being said. There may be little pacing issues you can fix or cutting out some scenes that will help refocus the film. While I am a big believer in using alternative venues instead of traditional cinemas for screening your film, there is something to receiving the legitimacy of festival acceptance. If you are not gaining that acceptance, even in places where you SHOULD be a great fit, don't cast that knowledge aside.

Also, do not send in rough cut submissions. Have other films been accepted on rough cuts? Yes, but I consider this extremely rare and you should be sending your absolute best work for consideration.

Congrats you were accepted!

Now the festival work begins. You should have all of your digital materials together already. Website up, social media percolating nicely, a kick ass trailer that makes your film a must see (please no more than 90 seconds!), a design for posters/postcards ready for printing. Most festivals don't give you very long from notification to opening night, so you can't be scrambling around to do this after acceptance.

Have a release ready to go announcing your acceptance, but don't publish it until the festival makes its official announcement. I like to be first out of the gate with news and start cherry picking press opportunities. So many filmmakers wait until very close to festival to hire a publicist and get moving, I think you lose out waiting so long.

Some fests ask for paper press kits to keep in the press office, but most small festivals don't have a press room. For sure, you'll want a digital press kit hosted somewhere. For Sundance and SXSW this year, we used Box.net for THE HIGH LEVEL BRIDGE and it worked out great. Trevor placed a link to the Box.net press kit right on his website so any journalists who checked out the title could easily find the kit and the link was on all press communication.

I was notified when journalists viewed or downloaded material so it helped me gauge the kind of interest we were getting on the press pitch letters. Our digital kit included long and short director's bio, a director's headshot, trailer for the film, production stills for web, copies of the media releases, bookmark URLs of previous coverage and a link to the website. Trevor's film didn't have actors so we didn't have those bios, but you may need it.

If the festival is quite organized, they will send you the press list of credentialed press contacts. If they are small and don't send you these things, it will take more legwork on your part to research the local media and find contact names and email addresses. In the case where the local media hasn't given their details to the fest, you will need to craft a pitch letter. You should do this anyway, but when there is a media list, those outlets have already consented to being contacted and they are expecting a deluge of press releases. To get some coverage for your film, you should be crafting unique story angles that would appeal to the media outlet's audience.

Tell them why your film would appeal to their audience. If you get into Sundance or SXSW, indieWire gives profile space to all of the feature directors (docs, narratives, world cinema). You'll want to respond to that request as soon as possible. Also, pay attention to your festival press officer if there is one. That person will try to guide you to potential media opportunities. Sundance even makes some pitches to niche press to highlight films they might want to include in coverage. Don't expect this to happen everywhere though. For the most part, you're on your own.

Should you hire a publicist?

If it is a big fest like Sundance where the name of the game is media coverage, I think you should. Professional publicists have contacts they can call on for story placement (as opposed to pitches), places you can't necessarily reach on your own. But I will caution you on going with large firms with high profile clients. The attention you get will be minimal if your film isn't considered "hot" and they don't spend much time working it. As someone who also writes coverage at fests, often I have received cursory press letters from PR agencies just naming the titles they are representing, the synopsis of each film, when it is screening and who will be attending from the cast/filmmaking

team; that's the extent of the pitch. No story angles, no reason for coverage. Media either pick it up or they don't. If you don't go with a publicist, you had better be willing to work that press list. Concentrate on blogs and small publications as well as big ones. All the coverage counts on the internet.

At Sundance this year, we took up the call for filmmakers to submit articles about their filmmaking process to the Moving Pictures Network. They ran this piece for us www.movingpicturesnetwork.com/8789/on-giving-up right before Trevor's first screening at Sundance. You may find that some publications have quite a small staff and anything you can do to make using your content easier, you should do. I have often written interview pieces with clients and turned them in as finished articles. Having a writing background helps in this case because I always think of what the audience will want to know, not write a purely promotional piece (they won't use that). It makes it a no brainer to run as is. And if they don't run it, you can use it on your blog!

I also found story angles around his short film. Mind you, most shorts do not get coverage at festivals unless there is a name actor or director attached. Trevor shot the film on a Sony Webbie camera and I contacted Sony to share this story with them. Sony didn't respond in time for Sundance, but they have now shot a video interview with him at SXSW for their blog.

Also, being Canadian, Trevor received lots of local and national attention in Canada for his participation at Sundance. If we hadn't pitched those publications and video sites www.albertaprimetime.com/Stories.aspx?pd=1938&FlashVars=Video/HG_012511.flv, we wouldn't have been covered. Think what is unique about your story and find an outlet that will be interested.

Community outreach

In the lead up to festival, you also want to start contacting people you think would be most interested in your screening. At Sundance and SXSW, we didn't do this much. Those venues sell. But with smaller fests, you might want to be more proactive with the audience outreach. Post your film trailer and screening times on the festival's social media pages (hopefully they will have the page settings open for this) or "like" them and mention it on your own page using the @ sign, it should cross post over on theirs. Also search local organizations (using Google and Facebook) if your film has a cause tie in or some kind of lifestyle affiliation and contact them about having their group come to the screening or any speaking opportunities you can take part in. You can search for people on Twitter using Twellow or Listorious and putting in keywords and city locations. DON'T BE A PEST! One or two mentions will do and not everyone will respond, but some will.

You should be on hand at the festival to really work the crowd. This is audience building after all and how can you do that if you aren't there? If you really can't be there, ask the festival if you can do a Skype Q&A at least. If there is wifi available in the theater, it is possible to do that.

Working the crowds

For many small festivals, guerilla marketing and street teams are the most effective ways of filling your screenings. Putting up your posters and handing out postcards definitely get attention or at least register the film in people's minds. For the big fests, it helps to have your poster around town and to have coverage of your film in the trades that are widely available. I don't see huge benefit to passing out chatchke and postcards in Park City.

My friend Dan Mirvish www.imdb.com/name/nm0592573 will disagree; he is the KING of self-promotion, even walking around with a sandwich board! To each his own and perhaps a mixture of all tools is what proves most effective. Also, just being present during the festival and talking to real audiences (not just other filmmakers and executives) about your work encourages them to see it.

Collecting audience data

I know it has been said many times that you should collect email addresses from the audience and I won't dispute that, but it is difficult to carry out. If it is possible to request email addresses by text message or by using a QR code that feeds into an email sign up landing page, you may have better results.

It is so difficult to keep up with a clip board; audience members leave right after a screening to catch another one and it is hard to get them to stop and fill out a form. I would love to see festivals be more proactive in requesting email sign up info from ticket holders to be passed on to filmmakers, an opt in they could check when they use Festival Genius to receive more info on the films they have added to their schedule or something (hear that fest directors?).

Until then, it is up to you to collect audience data for later use.

Making money with festivals

In some cases, you may have a film that is winning awards from some prestigious places like Sundance or Cannes and it is possible to turn those wins into cash in the way of screening fees. I know of some sales agents/distributors who field requests from festivals to screen award winning films and charge screening fees, but you can do this on your own as well. It is especially prevalent with niche audience fests like LGBT,

Jewish, Asian content. Also, some shorts are able to do this IF your film has a very high pedigree, like Oscar shortlisted or nominated short films.

There are many festivals that offer cash prizes for competition films too, so that is another way of making money off of your film at festivals.

Selling DVDs and merchandise is another way and more and more festivals are accepting of this. For some films, this really works, especially if the audience really enjoyed the film and wants some kind of souvenir of the experience. I also have seen it not work at all since the festival experience is quite overwhelming with lots of choice for audiences and they are too busy running from venue to venue to stop at your sales table.

So why participate in a film festival?

- ✓ It may be the only time your film will see a cinema screening unless you find a distributor willing to do this for you or you have budgeted for a theatrical service deal. I can't think of many filmmakers who DON'T want to see their film on the big screen.
- ✓ Use a festival as your theatrical release to gear up your ancillary sales. I know that most people think that if someone sees your film, why would they buy it on DVD or rent it on VOD? But it happens all the time, think of how many DVD's you own that you bought after seeing the film. People who have already seen it and liked it are more likely to buy it. Studios rely on theatrical release to sell their DVD, so can you.
- ✓ Film festivals allow you to participate in the filmmaker community by meeting other likeminded individuals and important people in the industry. You should do as much

networking as possible while you are there. It is a time of being celebrated as a legitimate filmmaker. While you may have other jobs to pay the bills, at a film festival, you are known as a filmmaker.

- ✓ They should be part of your overall audience building strategy. The more audience you gather for your work, the better your chances of selling your film directly to fans or finding a distributor who is willing to do a deal with you because you have a provable audience. Audience building is an ongoing process and the more you are able to connect with them on a personal level, the more sustainable your film career will be.

Sheri Candler is an inbound marketing strategist who helps independent filmmakers build identities for themselves and their films through the use of online tools such as social networking, podcasts, blogs, organizational outreach, online media publications and online radio.

She has promoted short films, narratives and documentaries including The High Level Bridge (Toronto, Sundance, SXSW); Undertow [Contracorriente](Sundance, Frameline), Ride the Divide (Documentary Channel) and consulted with countless independent filmmakers on their content marketing and social networking strategies. Sheri is co-authoring a book, "Selling Your Film Without Selling Your Soul Presented by PreScreen-Case Studies in Hybrid, DIY and P2P Independent Distribution," due for release digitally in September 2011. The book highlights case studies of filmmakers navigating the new paths to reaching audiences and distributing their work.

Read her blog: www.shericandler.com, Twitter: [@shericandler](https://twitter.com/shericandler), Facebook: [Sheri Candler Marketing and Publicity](https://www.facebook.com/SheriCandlerMarketingandPublicity)

How to Sell Your Movie Without the Middle-Man

By Jason Brubaker

www.FilmmakingStuff.com

As a feature filmmaker, one of the biggest challenges YOU have is finding a traditional distribution deal (that actually makes sense) for your movie. The problem is, every day we get closer to a world where DVD sales channels are being replaced by video on demand. While we are not there yet, after spending last weekend watching streaming content online, I am now of the opinion that the days of DVD distribution are numbered.

As a result of this evolution, filmmakers need to quit relying on outside 3rd parties to source an audience and distribute independent movies. From now on, YOU need to start thinking about your movie business like any other small business. YOU will create a product, YOU will distribute your product, YOU will market your product and YOU will sell your product.

While this seems easy for some modern moviemakers, what I am suggesting represents a total paradigm shift for others. Not everyone reading this will agree with me. That is OK.

But for those of you eager to embrace this brave new world of modern moviemaking, I have provided the same seven steps I use to promote my own movie business.

When applied, it is my hope that the following steps will serve as a nice foundation for your own VOD marketing strategy:

- Step 1 – Sharpen Your Hook**
- Step 2 – Target Your Target Audience**
- Step 3 – Get Into The VOD**
- Step 4 – Create Your Movie Sales Funnel**
- Step 5 – Refine Your Trailer (And Promote It)**
- Step 6 – Increase Targeted Web Traffic.**
- Step 7 – Leverage Your Following.**

Like many first time filmmakers, our first feature (a silly zombie movie produced on a budget) was met with empty distribution promises and crappy deals. So by necessity, we started selling our title on the internet as both a physical DVD and a video on demand download. At first none of the producers liked that idea. I mean, even if a traditional deal sucks, at least there is still validation in seeing your title on the shelves at the video store.

But then we made our first sale. We thought it was an anomaly. How could we possibly make money with our movie? We had no movie stars, our production value left a lot to be desired and most people on earth had never heard of our title (including you.) But then we made another sale... And then a dozen...

That was 2006 and since that time, my enthusiasm for video on demand and internet distribution has only increased. These days filmmakers have a gazillion options for reaching their audience, creating community and building buzz. As your own movie distributor you can finally get your title seen and selling without waiting for some middle-man to give you permission.

Getting Started

Assuming you have all the necessary legal documents, releases and (possibly) E&O insurance for your movie, the following seven secret steps will help you get started today.

One more thing... In the following pages, I am going to include recommendations for various products and services. Some of these recommendations may be business partners and pay me to promote. While this will not affect your purchase price, in the spirit of transparency I thought you should know. So make sure you conduct your own due diligence prior to making purchases.

With that said, let's get started!

Step 1 – Sharpen Your Hook

One of the first questions people ask is, what is your movie about? While this seems like a pretty easy question, if you find yourself rambling on about a complicated, character driven story, full of people reflecting on life's moments of love and loss, STOP! A long description is confusing. And a confused mind doesn't buy your movie. So in order to sell your title, you must communicate your movie in a distinct and memorable way.

To do this, ask some trusted friends to watch your movie and describe it to you in one concise log-line. For example, let's say your movie is described as "A boxer fights for the title." Obviously this is succinct, but lacking detail. So your next job is to incorporate some flavorful elements into your log-line. Here is the same example with added detail: "An impoverished boxer is given a once in a lifetime chance to fight for the world heavyweight title." (Sound familiar?)

With this example you can see how the extra detail adds sizzle to the description. This will help you in two arenas. Firstly, with this description, your prospective audience will immediately understand how your movie differs from all the other boxer movies. And from a marketing perspective, the words "boxer," "fights," and "heavyweight title" will help you to target your core audience and later, these targeted keywords will help you jump-start your internet search engine optimization campaign.

Step 2 - Target Your Target Audience

Once you have refined your movie concept, you can use this as a springboard to further locate blogs, websites and publications already targeting your target audience. For example, when you Google “boxing” you will get over forty-nine million results.

This is not surprising. Interests such as boxing, horror movies, martial arts and race car driving have prominence in our culture. But if your movie focuses on more obscure subjects, you will have to dig deeper.

Thankfully, even if your core audience is esoteric and comprised of a small population spread all over the globe, the internet provides a great tool for reaching them. Assuming you find websites and traditional publications targeting your audience, your next step is to reach out and request their demographic statistics. These stats will tell you how many people subscribe to the publication and will often provide details on age and gender.

Once you have a good understanding of your target audience, all future advertising, marketing language and your trailer should be created with your target audience in mind. Then later, when your movie enters the marketplace, this initial research will provide you a contact list full of organizations that may help you promote your movie.

Given all the changes in distribution, as a filmmaker, getting your movie seen and selling is no longer solely the responsibility of a 3rd party distributor. Once you have sharpened your hook and targeted your target audience, your next step is to set up shop in some of the many popular internet based marketplaces.

Step 3 – Get into the VOD Marketplace

Your next step is to determine the appropriate video on demand marketplace for your movie. There are many options for this, including setting up your own internet storefront, joining other filmmakers in a shared storefront or setting up shop in popular Video On Demand marketplaces. Since most VOD outlets do not require an exclusive deal, I recommend getting your movie selling in multiple markets, including iTunes and Amazon.

To help you access the VOD marketplace, research my affiliate company found at www.MovieSalesTool.com. I first found the service when I was looking for an easy way to get my movies seen and selling. I liked the service so much that we have worked out an affiliate deal (so do your own due diligence prior to purchasing any services mentioned in this book.) But the reason I like the service is, for a one-time fee, MovieSalesTool offers filmmakers the ability to get their movies into iTunes, Amazon and other popular video on demand marketplaces.

Then once your title goes live, you will be able to monitor your sales across all platforms in one place.

Aside from the initial fee, MovieSalesTool will not take any of your future earnings. And unlike the creative accounting found in traditional deals, you will be able view and withdraw your funds at any time. In the event your title is not selected for iTunes, MovieSalesTool will refund your investment, minus \$39 dollars. Additionally MovieSalesTool stays current with emerging VOD marketplaces. For example, if some new iTunes competitor emerges, you can rest assured that the MovieSalesTool folks are already out there, working to make the market accessible.

Step 4 – Create Your Movie Sales Funnel

To set up an internet movie sales funnel, you will need a website for your movie. And if you don't have a website, I recommend researching www.MovieSiteHost.com for both hosting and reserving your movie site domain. While there are many ways to build a website, I prefer using the free content management system found at www.WordPress.org for all of my sites. If you decide to utilize wordpress, you'll be pleased to know that my team has created a wordpress theme specifically geared towards filmmakers. www.FilmmakerTheme.com

But regardless of how you design your site, your goal is to funnel all traffic towards the sale of your movie. It has been my experience that sales increase when potentially distracting content is removed from your site. Using the free tool, [Google Analytics](http://GoogleAnalytics.com), I discovered that production photos, press kits and actor bios were distracting our visitors. So I removed all those pages and placed further emphasis on our trailer, our about page, and our "BUY NOW" buttons.

Most of your visitors will exit your website and never return. So to increase your odds of converting these visitors into paying customers, you will want to create ways to capture visitor contact information. One easy way is by creating a Facebook page for your movie and then placing a Facebook link on your site. This way, once your visitor joins your movie's Facebook community, the added social proof of like-minded fans touting the joys of your movie may increase your sales. This goes for Twitter and other social networking communities too.

But because many social networking sites run the risk of going out of vogue, you will want to migrate your fans off the social networks and get them into your own mailing list. For this, I recommend using a third-party email marketing service such as www.AudienceList.com. AudienceList provides ease of service.

As soon as you sign up for one of their inexpensive accounts, you can easily create a way for your fans to connect with you. For example, if you would like over \$47 dollars in filmmaking tools, FREE simply enter your info into my opt in box at this site: www.FreeFilmmakingBook.com - If you just signed up, you probably got an email asking you to click a link. Assuming you clicked the link, you were redirected to a "Thank You Page." And on that page you were able to download all sorts of premium filmmaking tools, for free.

While I am obviously utilizing list-building to create a more meaningful relationship with filmmakers (and YOU), this model can be (and should be) applied to your own movie business. But instead of giving away filmmaking books and audio courses, you might consider allowing your prospective movie audience to download a free movie soundtrack.

The reason why I stress Audience List Building so much in my Filmmaking model is because no matter what happens in distribution, the size of your targeted audience list (a community of people who know you and your work) – this will determine your rate of success over your long-term career. Don't let anyone tell you differently. Here are three easy to implement tips for building your Audience List:

- ✓ As soon as you have a website, start building your list.
- ✓ Put your website on your business card.
- ✓ Collect names and email addresses at film festivals.

Companies like www.AudienceList.com allow you to manage your email communication with thousands of fans. And since reputable email companies have good relationships with internet service providers, the odds of your movie newsletter ending up in spam folders is decreased.

Step 6 – Increase Targeted Web Traffic

To increase your website traffic, you might decide to work out Search Engine Optimization tactics with your web marketer, pay for online or off-line advertising, or incorporate a bit of everything. Unpaid traffic is called organic. Organic traffic is the best kind because whenever you pay for a customer, you diminish your profit margin from the outset. So obviously, the goal for all movie marketers is to acquire a customer for the very lowest price possible.

One secret I utilize is frequent press release submissions. Years ago, it was advised that you only wrote and submitted press releases when you had something newsworthy to say. But these days, in addition to targeting traditional news outlets, most press releases are included in search engine results.

Without getting overly technical, this means for a very small amount of money, submitting one press release complete with links to your website can increase your web footprint. Over time these releases are picked up by blogs and other websites hungry for related content. And the resulting benefit is more awareness of your movie, for a minimal cost. If both your traffic and your budget are low, search out other filmmakers who have successfully sold their movies to a similar market and find out if they would be interested in promoting your movie to their mailing list. Assuming your movie is congruent with what their audience enjoys, these other filmmakers may gladly help you out for a cut of the profits.

I have found that giving affiliates a good return for effective marketing creates long term win-win business relationships. These other filmmakers are able to create a stream of revenue between their movie projects. And you benefit by expanding your movie's reach quickly.

This is also a good time to revisit those sites from your initial research. Compile a list of one-hundred target websites, then reach out to site owners and kindly ask if they would be interested in reviewing your movie. Regardless of whether or not these folks like your movie, what is secondarily valuable to you are links back to your website. Over time, these back-links, combined with your trailer and social networking profiles will serve to funnel more and more prospective viewers back to your website. And the cycle continues...

One of the most important filmmaking strategies you must adopt in this era of modern moviemaking is a long term perspective. In years past, filmmakers focused on making one movie, selling it and then moving on to the next movie.

While the idea of creating multiple titles over the course of your filmmaking career has not changed, it is now vitally important that you plan a series of movies from day one. The reason for this is simple. You are now solely responsible for the success of your movie business. And to stay in business, you will need to create a profitable library of titles that continually pay you.

To use a real estate business analogy, in years past you built a house and sold it for maximum profit. But these days, given the changes in the real estate market, it makes sense to hold onto the house, rent it out and collect rent checks every month. This is the difference between capital gains and cashflow. And as an independent filmmaker, the growing demise in DVD sales outlets means that filmmakers must now focus on creating multiple titles – and increasing cashflow, over time.

Step 7 – Leverage Your Following

As I mentioned previously, creating a highly targeted mailing list is now essential for your success.

Thinking long term, the most important component of your movie making success is establishing a loyal following. From a business perspective, the size of your mailing list will provide a solid metric on which to base forward looking revenue projections. In other words, you can take look at your list and say “two percent of our followers bought this movie. I wonder how many fans will be interested in my next movie?” But instead of guess work, you can send your followers an email and ask them.

As you grow your community your fans will begin to know you, know your company and celebrate your work. And as long as you continue to provide good entertainment, you may eventually reach mass great enough to fund your future movie projects. Imagine how much your prospective investors will appreciate your pitch when you already have one-hundred-thousand fans eager to buy your next movie?

In the end, the heart and soul of all forms of distribution is finding an audience willing to pay you for your work. Video on demand and internet distribution simply removes the middle-man from the process and allows you to connect directly with the people who matter the most – your audience.

Jason Brubaker is a Hollywood based Independent Motion Picture Producer and an expert in internet movie distribution. He is focused on helping YOU sell movies more easily by growing your fan base, building buzz and creating community around your title. To grab you free filmmaking toolkit, visit www.FreeFilmmakingBook.com

For more sell-your-movie information, visit: www.HowToSellYourMovie.com

Resources

Filmmaking Stuff - www.FilmmakingStuff.com

Successful Screenwriting - www.ScreenWritingSuccess.com

Making the Most of Movie Money - www.ReelGrok.com

Film Finance Law – www.FilmFinanceLaw.com

Bankroll The Book – www.BankrollTheBook.com

Fundraising for Success - www.FromTheHeartProductions.com

Independent Filmmaking Tips - www.ActionCutPrint.com

Filmmaking with Gary King – www.GrKing.com

Think Outside The Box Office – www.jonreiss.com/blog

Film Festivals: Why Should I Bother - www.SheriCandler.com

Sell Your Movie - www.HowToSellYourMovie.com