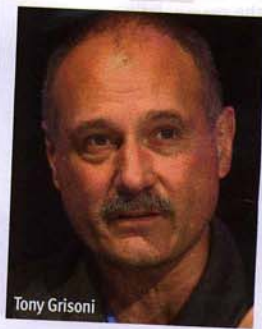


CRACKING THE CODE

Complaints from writers about their status in the film industry are perennial. So what can drive change, given the priority is to make films that find an audience — not keep writers happy? **DANNY PLUNKETT** reports on a possible breakthrough at the International Screenwriters' Festival



Tony Grisoni

Last week's International Screenwriters' Festival in Cheltenham, south-west England, hosted a vigorous debate about a code of practice to govern working relationships between producers and writers in the UK and Ireland.

The idea gained qualified support from prominent UK producers, including Film4 senior commissioning executive Peter Carlton.

The long-running debate about the status of screenwriters in the film industry was re-ignited earlier this year with the publication of the Screenwriters' Manifesto by the Federation of Screenwriters in Europe.

Its demands included: recognition of the screenwriter as an author of the work and a concomitant attack on the indiscriminate use of the 'film by' credit by directors; recognition of the moral rights of screenwriters in a work to protect it from distortion; and greater involvement for the writer in the production process.

One of the manifesto's authors, David Kavanaugh, chief executive of the Irish Playwrights and Screenwriters Guild, described how its publication had been driven by the difficulties facing film screenwriters in Europe.

"We see budgets falling through the floor," he explained. "Films are regularly being made for less than \$1.37m (€1m). From a writer's point of view, when the essence of your fee is 2.5% of that, if the budget drops, your fee drops."

He contrasted this with the position of writers in television across Europe where standard agreements negotiated with broadcasters by guilds and unions generally give them a better deal than feature film writers.

While no producer interviewed at the festival agreed with the European manifesto's demands, BBC Films head David Thompson did agree that writers are undervalued by the film industry and there are problems with the 'film by' credit.

"We follow the industry on the 'film by' credit and I often feel uncomfortable that writers are diminished by that," Thompson says. "It's a very awkward situation. Often it's not justified."

At the same time, Thompson suggests the manifesto goes too far on the moral rights question: "It's really important people understand film-making is a team process. We may want to bring in another writer later on."

Film4's Carlton dismisses the manifesto's approach: "The tone seems to be that the writer's vision is sacred and people should pay a lot of money for it, and clearly that's nonsense."

He welcomes instead the idea of a code of practice which would encourage writers, executives, producers and directors to define common aims and expectations at a project's inception.

"Anyone who's been through a failed marriage will know the legal basis of the marriage doesn't do much to help," Carlton suggests. "You have a good or a bad divorce on the basis of your



BBC Films head David Thompson meets delegates

relationship, not really on the basis of the legal coding and often that depends on how you got together in the first place."

Any code that is introduced will have to be flexible enough to allow for a different set of relationships and financial interests in each project, Carlton says. "We can lead by example, provided you're not establishing anything that's going to mean those films aren't financeable in Hollywood. You can have a sort of code, but the minute it becomes contractual it has to be case by case."

Motivation for change

One option is change driven by legislators. A contribution from the floor in one debate at the festival outlined practice in Canada where development money from public sources is conditional on writers' union-sanctioned contracts and minimums being in place first. There is no evidence of any move in such a direction in the UK — UK Film Council development funds passed to writers via producers do not carry such conditions — but it could be a key driver of change at a later stage.

For the BBC's Thompson, it will be the market that pushes through change: "More and more in the UK, we realise writers are crucial to what we're doing and the notable successes have been very much writer-led as well as director-led."

"We need to put writers more in the frame, and consult with them during the cuts — make them not feel kicked out of bed as soon as the film starts shooting."

Carlton believes changes could come if the most in-demand European writers use their bargaining power and lead by example. "Just as top writers are beginning to be able to demand cer-

tain things in their contracts, if they lead a code of practice you could see some sea changes and that could gradually filter down," he suggests.

But what would such a code contain beyond Carlton's suggestion it requires writers and producers to agree in advance how they intend to work together? Potentially contentious items raised at the festival included: clear definition of exactly how much work is expected in each step of development — the rewrites, revisions and polishes; an agreement from producers to provide written, rather than verbal, notes at each step; penalties for producers who do not read drafts by agreed deadlines, or pay on time for drafts.

Some suggestions met with resistance from producers who argued greater rewards should come with greater risk. Independent producer Norma Burke of Belle Affiche Films pointed out that when a film is made, a bonding company requires a producer to put their assets on the line.

"If the writer wants to come and co-sign that with me, when I'm in the bonding office, that will make our negotiations better," she said.

Interestingly, it is not just producers, but also some writers who could prove resistant to a code of practice. Screenwriter Tony Grisoni, whose credits include *Death Defying Acts* and *Tideland*, resisted the idea of rigidly defined development steps: "If I'm reworking a script, I'm not going to be looking at a document to tell me how many lines I can change in it."

The Screenwriters' Festival aims to foster further debate about the content of the code through discussion on their website and, possibly, at a series of events before next year's event. ■

▶ www.screenwritersfestival.co.uk