

## Tom Schulman, screenwriter

In 1990, Tom Schulman won the Oscar for Best Screenplay for *Dead Poets Society* (1989). He has been a member of the Writers Guild of America, West, since 1986, and served as its vice president from 2009 to 2011. In this conversation, he discusses many of the issues that affect film and television writers, such as licensing, digital disruption, and media conglomeration.

*How have things changed for writers over the past thirty years? Do the same issues keep coming back, or do you face new ones? Let's focus on film.*

We were looking at a struggling movie industry until the mid-1980s, when suddenly home video cassettes started to provide a lot more revenue to the studios. DVDs came along, and by the late 1990s the studios were much more profitable. But then the DVD market started declining in the early 2000s because of the growing availability of online content. No one has figured out how to monetize the Internet and replace that income stream.

At the same time as we were experiencing these technological changes, the industry was undergoing significant regulatory changes. It was the end of “fin-syn” [the financial interest and syndication rules], and companies were able to buy up assets with which they had previously had to compete. So the same corporation suddenly owned a TV network, multiple movie studios, several cable channels, a distribution arm for DVDs, et cetera. For writers, our relationship with the studios has fundamentally changed as a consequence. Our opportunities have diminished. Studios just don't develop as many projects anymore. In the late 1980s and early

1990s, when I started, the studios developed ten projects for every one they made. Now it's more like two or three to one.

I also noticed another significant consequence: the studio executive mindset has shifted from a "creative" to a marketing-driven perspective. When I started, executives would make a movie, then turn to the marketing people and say, "Go sell it," and the marketing people would snap to attention and do it. Starting in the mid-1990s many of the creative studio heads were replaced by marketing executives or at least by executives with a marketing mindset. The mandate changed from making good movies, to making movies that were marketable across multiple platforms or distribution outlets, to making movies that could be exploited by all of the conglomerate's subdivisions. They wanted to green-light movies that could then go on to be TV series, video games, toys, and theme park rides.

Because of new production technologies, studios also turned away from character-driven, story-driven movies to movies that emphasize special effects. But the cost was astronomical! When I started in the mid-1980s, the average feature cost \$17 to \$20 million; now it's maybe \$150 million. And marketing costs on the average movie went from about \$12 million to somewhere between \$35 and \$70 million. Those costs motivate studios to green-light projects with presold audiences. They prefer movies adapted from successful comic books, young adult novels, plays, or TV series because they know, or think they know, an audience for their movie is out there. They are less interested in original screenplays because they have no proven audience.

We've also moved away from a market that was mostly American. When I started working, about 60 percent of the worldwide box office revenues came from the United States and Canada. Now it's 30 percent domestic, 70 percent foreign. Catering to the imagined tastes of a global audience changes the content of movies. Action and special effects are considered an international language and do better at the foreign box office than comedies and character-driven dramas with lots of cultural specificity. Speaking from a writer's perspective, where character and dialogue are of more interest, it creates a challenge. The reality today is that movies based on original screenplays are an endangered species.

### *So how do you survive?*

Some screenwriters aren't surviving. I'm sixty-two. It's shocking how many of my contemporaries aren't working or haven't worked in a while. The number of working screenwriters has been decreasing by about 17 percent a year since the writers' strike [in 2007–8]. I don't see those jobs coming back. Studios are making 175 movies a year now. Seven years ago they were making 320. When I started they were making 400 to 600 movies a year. It's been a slow but steady decline. Screenwriter earnings also have declined precipitously. Many are now struggling to find independent financing because we can't count on the studios anymore.

I know WGA screenwriters who are trying to get projects going on the Internet. But they are competing with filmmakers who are fresh out of graduate school, using their parents' money or credit cards to make movies for \$75,000, \$50,000, or less. On the creative side, it's spurred a lot of people to buy or rent a digital camera and start making a low-budget feature and direct it themselves. But it's hard to support a family that way.

*Are studios still entertaining original pitches?*

The last meeting I had at Fox was with an executive who said, "You know, I'm hoping that within a year or two we'll start taking pitches of originals again. We're running out of stuff to remake."

The studios want a movie that is franchise-able. And now that word means more than just a property with the potential for sequels, prequels, and spin-offs. The studios want to integrate franchises into franchises. Take *Pirates of the Caribbean*. Among other companies, Disney partnered with Maybelline to advertise a line of cosmetics using the actresses in the movie. So Maybelline builds a *Pirates* line of cosmetics and they do a \$5 million or \$10 million print ad campaign simultaneous with the release of the film. The movie advertising helps Maybelline, Maybelline's print advertising helps Disney. That's the kind of movie the studios are looking to make.

*Dead Poets Society* and similar originals are not going to be on the studio wish list because that kind of synergistic marketing isn't possible or appropriate. A lot of people think, "Fine, I'll write a movie that can have five sequels," but they don't ask, "Can McDonald's find a hook, can Maybelline find a hook, can a car company find a hook?" The studios are looking for that kind of multi-market exploitability in every concept.

*Do you feel like notions of creative authority have changed during the growth of conglomerate media?*

Yes. They've added layers of middle management. I first saw it at Disney. When I started writing for them, Jeffrey Katzenberg and Michael Eisner made all decisions, period. Once those two decided something, that was it. I would write a script, turn it in in the afternoon, and at six o'clock the next morning, I'd get a phone call from Jeffrey and we'd talk about it. The lines of authority were clear.

Then Disney decided to expand the company so that Jeffrey became an über-boss over Touchstone Pictures, Hollywood Pictures, Buena Vista, Marvel Studios, Lucasfilm, the animated films—all the subdivisions. He turned over all the day-to-day decision making at each of those divisions to other executives and became much less accessible, though he was still the boss. That added layers of management—often it's

really good management, mind you—but it made the creative process more team-oriented and it denied writers access to the real decision makers.

At all the studios, you've got middle-level executives who say to a writer, "I know what my boss is going to like. You've got to make these script changes because if you don't, he'll reject this." So you revise and possibly butcher your own work before it even gets to the boss, at which point the boss often passes anyway. The writer has no choice but to comply because he or she's being overseen by a middle-level executive who is saying, "I won't show my boss your script unless you make the changes I suggest."

Most producers are not under contract at a studio anymore. Every studio used to have fifteen or twenty producers with deals there—not anymore. And those producers served an important function. They were the writers' partners; they were the first people who read the writers' drafts and gave them notes. Writers often have no advocacy now and are lost in layers of middle management. It hurts the creative process.

Because movies cost so much, studios are looking to reduce their risk. So they look to equity partners and other outside investors to defray the astronomical costs of production and marketing. Foreign presales—money raised in advance of production by selling off territories based, usually, on the prior box office performance of certain stars or directors—have become a necessity at most of the studios. That biases the studios against new talent who have no proven value in foreign markets.

It's all understandable. You're looking at something that's going to cost \$200 million to make and distribute. Investors want as much protection as they can get. But it narrows the scope of what can get made.

*Do you think there's a greater willingness to look outside Hollywood for ideas, or do you need to be here to be in the game?*

In the last few years there have been some successful movies and quite a few successful TV series imported from the UK. As with the movie studios, it's safer for the networks to take a shot on a TV series with proven commercial success elsewhere than betting on something original from here.

*What about other parts of the United States?*

You don't have to live in Hollywood, but it helps. It helps to network, find an agent, and meet producers. Once you've established yourself, you can live anywhere.

*So runaway production, as it's called, doesn't affect writers much?*

It does, but not as much as it hurts cast and crew. Runaway production is a bigger deal for TV writers than for movie writers. I think there are only a few series

that are still shooting in Los Angeles. For a TV writer, that could mean relocating outside of Los Angeles, perhaps to Canada. The executive producer / showrunner / show creator often runs the writers' room and helps supervise the production of the show. If the production is in Vancouver, he or she has to be in Vancouver, and if he or she has to be in Vancouver, the writing staff has to be in Vancouver. So runaway production can require writers to relocate.

*Are these writers still represented by the WGA?*

Yes. It's almost always an American company—a Writers Guild signatory—that produces the show.

*Let's talk more about television. What are the big issues facing TV writers?*

Network TV shows don't rerun nearly as often as they used to. Instead, the networks run a show once on TV then almost immediately make it available on the Internet. A TV writer used to get a very large residual check when his or her show was rerun. The residual or royalty from the Internet is a fraction of the rerun payment. For example, TV writers typically write an episode of a TV series for scale (union minimum). That might be \$30,000 for a half-hour comedy. Upon the first rerun they would get paid close to that amount again. If there was a second rerun they might get 80 percent of that fee again. But now most shows don't rerun. Shows go immediately to Hulu or Netflix where instead of, say, \$28,000 for the first rerun, the writer will get about \$400. For people who have mortgages and families, it's tough to figure out how you can earn a living when your income is suddenly cut by that much. Union minimums haven't increased enough to compensate for the loss in revenue.

There's a big influx of writers and directors into cable. But cable writers generally get paid about two thirds of what network writers make, so that's a big financial hit. Plus there are no reruns to speak of for cable, certainly not at the pay scales writers get for network reruns. If you're a cable writer, you're making two thirds the money you made as a network writer. In the next contract negotiations with the companies, the WGA will need to bring cable minimums up to the level of the network minimums. But that won't be easy. The companies would rather bring the network minimums down to the level of cable!

*Are writers starting to see more compensation from digital platforms like Netflix?*

Yes. We will get a piece of streaming, but there is a trade-off. What does a TV show or movie lose in DVD sales, syndication, or even network TV sales when everyone knows they can wait to see it on Netflix? Once a show has been exploited on

Netflix streaming, and Netflix is available worldwide, how do you get your foreign syndication money out of it? Maybe you don't. Someone who knows more than I do can tell you what's happening to those monies. In the old days even a middle-level television series could cash in for hundreds of millions of dollars when it sold to syndication. Sadly, those days are over.

*So it's not categorical that Netflix or iTunes is the friend or enemy of writers?*

I think it's too soon to know. Because we don't know to what extent these new markets will cannibalize traditional markets. Five years ago someone told me that every episode of *The Simpsons* (1989–ongoing) made \$23 million for Fox. That's because in addition to their initial network broadcast they had network reruns, domestic and foreign TV syndication, DVD sales—a whole string of sources of income. I'm betting, partly because of the slowdown in DVD sales, partly because no one's figured out how to monetize the Internet, that *Simpsons* episodes aren't making that much money anymore.

*What's the daily working experience like for a rank-and-file TV writer?*

I was going to do a series for HBO and we worked 110-hour weeks for eight months just to produce the pilot. During that time, HBO asked us to write a couple more episodes. Writing and producing at the same time was incredibly taxing. I remember remarking during the 2007 strike that TV showrunners seemed quite willing to go on strike even in the middle of the TV season. Somebody joked that that was because they were so overworked and so desperate to get a good night's sleep!

I think this is why so many TV showrunners are in their late twenties, early thirties. I have some friends my age who are running shows and they are just zombies. They look gaunt and hollow eyed. They don't have time to shave. It's a hard job, but it can be extremely creatively and financially rewarding, particularly if your show goes into a third, fourth, or fifth season.

*It sounds like at a certain point, showrunners in their twenties or thirties are going to say, "Okay, I'm done." Then what do they do?*

If you're successful enough, you'll get a shot at features. Or retire.

*Can you talk about Writers Guild qualifications? How are they determined?*

You get points for a certain amount of work: say, for example, two points for a feature polish, six points for a rewrite, and twelve points for writing a full feature script. Twelve points qualify you to get into the guild. I started getting work doing

rewrites and finally got enough points to get into the guild. Once you're in, you are in for seven years. If during that time you get another job, it gets you five more years. At a certain point—I think it's twenty years of semicontinuous work—you're a member for life. I think the average stay for a member of the guild is seven years. About 20 percent are "one and done"—they get one job and don't work again.

*How big is the Writers Guild of America, West?*

It has about eight thousand members. Our membership is starting to skew younger, so we'll see how that changes guild politics. As a young writer, I didn't pay much attention to our health and pension plans. Most young writers don't. I was glad to have my medical expenses covered, but I was lucky enough to be in good health, so I rarely needed it. Once I got married and had a child, I realized all our pediatric bills were being taken care of, and then one day I started looking at my pension plan and thought, gosh, I'll have a pretty decent amount of money in there for retirement! But you don't think about those things so much in your twenties or early thirties.

*How do gender dynamics play out in the guild?*

We are at the mercy of the hiring practices of the companies. We've put a lot of pressure on the companies to hire both women and minorities and have gotten very little out of it. Female membership has crept up from 19 percent to 26 percent, which is still, obviously, not where it should be. Minority membership isn't even as high as that.

*Why do you think it's so hard?*

In features, the studios hire the writers, and they hire people they know. In television, the person who hires the writing staff is the showrunner, and in the old days (even today) almost all the showrunners were white men. When they hire people they know and trust, they hire their friends—talented friends, of course—but their friends are mostly white men. I'm told some of the late-night shows are notoriously old boys' clubs. I know some women who have written for those shows and have found it difficult. These are funny, brilliant women, but it's just unpleasant for a woman to be in a room full of that much testosterone.

Don't get me wrong. Quite a few showrunners are willing to say, "Sure, bring me a woman I can hire, bring me minorities I can hire, bring me anybody good." But a lot of them say, "No, this is my show, my reputation, my living. I have to trust these people, and I'm not going to hire someone who I don't know and trust to deliver the goods."

*Do you think the gender discrepancy is caused by the kinds of films that are being made?*

For studio features, yes. The most popular films are action films, thrillers, or horror. It's rare to find women who actually want to write those films, or so the studios say. But women are doing quite well in comedy.

*What about race?*

Studios pay lip service, but there isn't much progress. If they're doing a movie about African Americans, then they may bring in an African American writer. Studios tend to believe they need to hire a writer who looks most like the desired demographic for that particular film. But Alvin Sargent is in his eighties and he wrote the last *Spider-Man* movie. So you don't have to be a member of the targeted demographic to write a good movie for them. It just tends to be the logic by which they operate.

*We've spent some time tracking down recent studies on labor conditions in the industry. We assume the guild tracks this information as well. Does it make any of its studies publicly available?*

No. It's all proprietary stuff, for our leadership's eyes only, because it's often used for negotiating purposes. Plus there is some fear that making these reports public can be provocative.

*Provocative in what sense?*

If a guild gets its members riled up about certain issues, but there's nothing it can do for them at the negotiating table, what's the point? You don't want to stir writers up and say, "Damn it, cable rates are unfair, let's do something about them," when you know that at the end of the day, the guild is not going to strike over that issue.

*There's a lot of suffering in silence.*

Both in silence and in ignorance. If people don't know how bad things are, they're not going to get upset. As soon as you let them know they are earning 50 percent less than what they are due, they'll say, "That's infuriating. What are we going to do about it?" The guild replies, "Well, there's not much we can do about it, because your work area, say cable, only affects 20 percent of the guild, and the other 80 percent is not going to strike over this issue. They'll sympathize with you. But they're not going to risk their livelihood for issues that don't affect them."



That was the good thing about the 2007 contract. Almost all WGA writers believed the Internet was the final resting place for content, and that the big income stream that would replace the downturn in DVDs would come from the Internet. That hasn't come to pass, but someday it will. Anyway, 90 percent of the guild—across network and cable and features—felt like it was important and the right time to get jurisdiction over the Internet. It's hard to see another unifying issue like that on the horizon.

*How do you feel about the way the 2007 strike was resolved?*

I wanted us to get more. For a year before our contract expired in November of 2007, we worked with the Screen Actors Guild and the Directors Guild to come up with a unified negotiating position. In the middle of that summer, the DGA told us they had completed a \$1 million study that convinced them that the Internet was not going to be worth anything for six to ten years. They didn't want to do anything about the Internet in the next round of negotiations. We said, "Fine, we don't agree, but will you at least back us?" And they said, "We won't commit to that."

As we prepared to strike, we asked the DGA, whose contract didn't expire until July of 2008, "Please tell the companies you will honor our strike and not negotiate your contract until we have negotiated ours." They said no. So at that point the companies were looking right past us to a union that was signaling, in essence, "We don't care so much about these issues, so come negotiate with us!"

I believe the DGA would have started their negotiations with the companies within a month after our strike started, but our strike mobilization was so strong—we had thousands of writers on picket lines every day and all the polls showed the public was overwhelmingly with us—that it gave the DGA pause. They were afraid they would look bad. But about two months into the strike, as the strike moved off the front pages and out of the news, the DGA sent signals to the companies that they were ready to negotiate about the same issues we were striking for. So a group of forty writers who were also members of the DGA put together a petition. They called themselves "WD-40." They got more than three hundred signatures of prominent DGA members asking the DGA to please stay on the sidelines while we tried to negotiate our contract. The DGA leadership was miffed, but they stayed out of it for another few weeks.

Finally, right after the Christmas–New Year holiday break, the DGA started negotiating their next contract. They negotiated about all the issues we were striking over. That was seven months, mind you, before the expiration of their contract. I think it was unprecedented in the history of American labor. One union negotiating that early over the same terms as a striking union? Shame on them!

*As we understand it, besides the differences between guilds there are also differences within them, for example divisions within the DGA: there is the feature film elite, then the television directors, and then assistant directors, and so on. From what we hear, the real power is with the elite; is that true?*

I think that's correct. As one member of the DGA leadership once told me, "You guys at the Writers Guild are about minimums. We're about maximums." DGA leadership is committed to protecting the rights, real or hoped for, of their A-list directors. A lot of those rights are not exactly codified. Obviously if you're a director with final cut, then basically you have the power to do whatever you want with a movie, but you're still at the mercy of the studio, who might say, "Edit the movie however you want, but if you do things we dislike, we won't release it." Directors want absolute power over the movies they direct, so the DGA would rather give up pressure on minimums and other rank-and-file needs to protect their A-list directors. In both TV and film, the membership seems happy with that. I guess they all think one day they'll be A-list, too.

*The Writers Guild, historically, has been the most politicized guild by far.*

Absolutely. We've struck more times than SAG and DGA combined.

*To what do you attribute that? Does it have to do with the mentality of minimums versus maximums?*

I don't think so. The DGA members see themselves as the boss, as management. They don't like to look at themselves and say, "We're a union of workers." It's even hard for a lot of writers to see that. In 2006 we hired David Young as our executive director. He had a background organizing garment and construction workers. A lot of our members were upset with that choice. They said, "We're writers. This guy represented plumbers. He doesn't understand our issues." They saw us as more of a guild—with an emphasis on craft—than a union. I believe we may be a union of smart people, but we still have to use the same strategies and tactics that other unions use or we're not going to be effective in collective bargaining. I just think the DGA has always had a harder time calling themselves workers.

IATSE was originally formed by the companies. That DNA—a company union—has been with them since their beginnings, and in general they can be counted on to do whatever the companies want. SAG could be strong, but they had problems for years with AFTRA undercutting them—a sort of race to the bottom on minimums, pensions, health, and so forth. Now that SAG and AFTRA have merged, their pension and health plans are in such dire straits financially, that's going to preoccupy their collective bargaining priorities for years. And that's

going to hurt the WGA and DGA because of pattern bargaining. All the concessions SAG-AFTRA get from the companies will go toward fixing their pension and health plans. The WGA and DGA pension and health plans are in much better shape than SAG-AFTRA's. What will writers get outside of a few improvements in pension and health? I fear not much.

A lot of people don't understand why the guilds can't get along. Why we can't, in some sense, have a one-union town. If you look at Detroit, like it or not, those unions were very successful negotiators for their members. When their contracts expired, the auto workers' unions united to negotiate against one auto company. In Hollywood, it's the opposite. One union at a time negotiates against all the companies.

The DGA and WGA have a long history of bashing each other over creative rights, the "film by" credit, and so on. I've done some DGA bashing myself, and I've had some of their leadership (privately) bash me. But we have so many issues in common. It's time to put our differences behind us and negotiate together for the common good of our members. Together we'd be a powerful, powerful force.

*Which guild is the most polarized between elite members and the rest?*

Definitely the Directors Guild. They have somehow managed to put in place a governing body that always has operated very effectively for their elite members. Half of the DGA are what Hollywood calls "below-the-line" workers: first assistant directors, second assistant directors, and so on. They are taken care of in every contract, but they don't have a lot of bargaining power within their own guild because all the "real" directors hire them.

*Do showrunners complicate solidarity in the WGA in a similar way?*

To a certain extent, yes. There have been some discussions about the Writers Guild having a legal weakness because we have management—aka showrunners—in our ranks. But my experience has been that the showrunners care deeply about the writers on their shows and stand in solidarity with them. After all, most showrunners started as freelance or staff writers. They've been there, and they care.

*How did it work bringing in an executive director with a background outside the entertainment industry?*

It was an intentional choice on our part. Before that we had an executive director who had been a chief negotiator at CBS for twenty years. That did not work out well from our perspective, so we decided to go in another direction. We thought, we are a union, let's bring in someone who knows how to organize a union. David

Young had been working in the WGA's labor organizing department for a couple of years, and he turned out to be just what we needed. During the strike, management tried to denigrate him, to convince our members that he was a glorified plumber, janitor, whatever, and that "smart people" like us shouldn't be represented by someone who only knew how to represent "illegal" workers. For people who were looking for a reason to not support the strike, that rang true.

But anybody who knows David Young knows he is a brilliant, tough, fair, highly educated guy who is more than capable of negotiating against the entertainment conglomerates. My fear is that he is going to get tired of working in what is now, in essence, more of a "guild" environment, and want to get back into an actual labor movement.

*Do you have hope that the trajectory will change?*

I do. I don't see how we can make progress without it. But I do think we have to get the buy-in from the other unions. Because no matter how united the Writers Guild may be, or how right or righteous we are about what our writers deserve, if the DGA is going to step in front of us and negotiate over the same terms we might be bargaining for, we're done.