NYU Stern School of Business
Undergraduate College

MKTG-UB.0049.03/.04: BUSINESS OF PRODUCING Syllabus

Fall 2013

Instructor Details:

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Office Location: Tisch Room 1014

Additional Information:

PETER NEWMAN has established himself as one of the motion picture industry’s leading producers of quality entertainment. New York-based Peter Newman Productions has worked with some of the world’s most important filmmakers, including Robert Altman, Paul Auster, Jonathan Demme, Nancy Savoca, John Sayles, and Wayne Wang among its 30 films.

Most recently he produced Noah Baumbach’s THE SQUID AND THE WHALE, which won the Best Writing and Directing Awards at the 2005 Sundance Film Festival. THE SQUID AND THE WHALE which stars Jeff Daniels and Laura Linney, was a co-production with Wes Anderson’s American Empirical Pictures. It was nominated for six Spirit Awards, including Best Picture; three Golden Globes, including Best Film - Musical or Comedy; and received an Academy Award nomination for Best Original Screenplay.

A former sportscaster, Newman began his road toward producing when he served as executive producer and host of the PBS special, MUHAMMED ALI: ONE MORE MIRACLE. He went on to produce documentary profiles of ballet dancers Gelsey Kirkland and Natalia Makarova before turning to feature filmmaking in 1982 with Robert Altman’s BACK TO THE FIVE AND DIME, JIMMY DEAN, JIMMY DEAN. The film, which starred Cher, Sandy Dennis, Karen Black and Kathy Bates, was the grand prize winner of the Chicago International Film Festival.

Newman then moved into features full-time, serving either as producer or executive producer on numerous films including two-time Academy Award-winner Horton Foot’s “1918” and ON VALENTINE’S DAY, Jonathan Demme’s film of Spalding Gray’s SWIMMING TO CAMBODIA, Harry Hook’s re-make of
LORD OF THE FLIES, Altman’s O.C & STIGGS, Jay Russell’s END OF THE LINE, Anthony Drazin’s ZEBRAHEAD, the Sundance Filmmakers Trophy winner which he co-executive produced with Oliver Stone, and John Sayle’s THE SECRET OF ROAN INISH.

In 1989, Newman produced Nancy Savoca’s DOGFIGHT, a Warner Brothers release starring River Phoenix and Lili Taylor. He then went on to produce Savoca’s HOUSEHOLD SAINTS for Fine Line Features, starring Lili Taylor and Tracy Ullman, before collaborating with her again on THE 24 HOUR WOMAN.

With future partner Greg Johnson, Newman produced Wayne Wang’s film of Paul Auster’s SMOKE, starring Harvey Keitel and William Hurt. SMOKE was the winner of three major awards at the 1995 Berlin Film Festival and was voted best film at the 1995 Locarno International Film Festival. Newman and Johnson also collaborated on Wang and Auster’s BLUE IN THE FACE, the extemporaneously created companion piece to SMOKE, as well as the independent sci-fi comedy SPACE TRUCKERS, which premiered at the 1997 Sundance Film Festival.

Among Newman’s other producing credits are Sara Kernochan’s ALL I WANNA DO, starring Kirsten Dunst and Rachel Leigh Cook (Miramax), and Paul Auster’s directorial debut LULU ON THE BRIDGE, which premiered at the 1998 Cannes Film Festival. Newman also produced on Wayne Wang’s digital video theatrical feature, THE CENTER OF THE WORLD for Artisan, as well as Bob Gale’s (BACK TO THE FUTURE) INTERSTATE 60, featuring James Marsden, Gary Oldman and Michael J. Fox for 7 Arts. He was executive producer of Alfredo deVilla’s WASHINGTON HEIGHTS, which won the audience prize at the 2002 Los Angeles Film Festival. In conjunction with Crusader Entertainment, he produced THE GAME OF THEIR LIVES directed by David Anspaugh (HOOSIERS), which opened theatrically national-wide in April 2005.

Mr. Newman has been a featured speaker at the Sundance Institute’s Producers Conference in 1991 and 2005; as well as appearing on numerous film festival panels, including Cannes and New York. Additionally, he has lectured on the movie business at Yale, Columbia, and New York University. He is presently an adjunct professor at NYU in the Graduate Film program at Tisch, and the Graduate MBA program at Stern.

Peter Newman Productions, Inc. presently has over twelve feature film projects in active development. He is currently preparing films based on the lives of Janis Joplin, Bill Veeck, and Strom Thurmond.

Newman lives in New York City with his wife, Antonia and their three children. He is a graduate of Northwestern University.

**Course Meetings**

Group 3: 4:55pm - 6.10pm (Thursday)

Group 4: 6.30pm - 7.45pm (Thursday)

**Location:** Tisch T-UC21
Schedule exceptions

Class will not meet on:

Thanksgiving Break: Thurs, Nov 28

Course Description and Learning Goals

This specialized EMT course is a “soup to nuts” examination of what it means to be an independent film and television producer. Through real life experiences it looks into what makes film and TV such unique businesses.

The course will take a close look at the inevitable battles between commerce and art. It will focus on identifying the factors of risk versus reward in selecting projects, and seeing them to fruition.

As potential entrepreneurial producers, the class will study techniques in leveraging limited amounts of time and capital into maximum results; while attempting to balance unbridled optimism against sensible business logic.

Course Objectives

- Understand the role and responsibilities of being an independent producer.

- Establishing a way of judging the artistic merit and economic possibilities of a project at various stages from inception to completion.

- To learn the infrastructures of companies in the entertainment industry, and to understand how to effectively work within them to successfully produce content.

- To examine morality in the film business. How to balance one’s personal values and quality of life in a difficult business environment - What are a producer’s objectives, and how is one willing to behave to get them achieved?

Assessment Components

The class will be graded on the following basis:

Class Participation 30%

Paper/Presentation 70%
Professional Responsibilities For This Course

Lateness:

Late assignments are not accepted. If you miss any assignment deadlines, i.e., at the start of a class period on the due date, you forfeit a grade on that assignment.

Absences/tardiness will lower your class participation grade significantly.

Class Preparation:

Topics for each lecture are identified in the syllabus. It is critical that you do the assigned reading for the week in advance of the lecture since that session will build on the reading material. It is recommended that when you are preparing for the class, read the assigned chapter(s) from the text.

Class Participation:

You will be evaluated on class participation by both the professor and lecturers. It is pertinent we learn your names for fair grading and interpersonal interaction. Do be sure to complete the information sheet. In addition, you are encouraged to create and use nameplates in each session.

Please contribute to class sessions. This is meant to be a dialogue, not a monologue. Be ready to disagree with others and develop your own position, and engage others (rather than just the professor) in lively discussion.

In a good class session, the majority of the learning comes from each participant attempting to understand the issues, limitation of theory, case problems, alternatives, etc. If successful, your increased insights and understanding will come from within and from your interactions with one another rather than from the instructor. Please continue with the reading assignments as scheduled regardless of whether the class activities at times fall behind schedule.

Required Course Materials

Independent Film Producing: The Outsider’s Guide by Paul Battista - Lucrifacio Books

RECOMMENDED READING

Although there is no required textbook for this course, it is suggested that students acquire the recommended textbook. Each week, students will be referred to sections in the recommended text that address the topics discussed in class. This reading is optional.

Students are encouraged to stay up to date with industry news. A convenient way of doing so is by visiting the following sites on a regular basis. One way to follow updates from the sites is to use a news aggregator (a.k.a. Rich Site Summary reader) like feedly (www.feedly.com) or Flipboard (www.flipboard.com). They are available as apps that can be accessed from your phone, tablet or PC.
1. www.variety.com
2. www.hollywoodrepoter.com
3. www.HOLLYWOOD-ELSEWHERE.COM (Jeff Wells)
4. www.indiewire.com (Link to Anne Thompson)
6. www.aintitcool.com (Harry Knowles)
7. www.studiosystemnews.com
8. www.deadline.com/hollywood/ (Nikki Finke)
9. www.moviecitynews.com (David Poland)
10. www.imdb.com
11. www.imdbpro.com
12. www.withoutabox.com
13. www.theincentivesoffice.com
15. www.thedissolve.com

SUPPLEMENTARY READING

By: David Mamet
Publisher: Pantheon

A Killer Life: How an Independent Film Producer Survives Deals and Disasters in Hollywood and Beyond
By: Christine Vachon and Austin Bunn
Publisher: Simon & Schuster

Shooting to Kill
By: Christine Vachon and David Edelstein
Publisher: Harper Paperbacks; New Ed edition
What They Don’t Teach You At Film School: 161 Strategies to Making Your Own Movie No Matter What

By: Camille Landau, Tiara White

Publisher: Hyperion

The Independent Film Producer’s Survival Guide: A Business and Legal Sourcebook

By: Gunnar Erickson, et al

Publisher: Schirmer Trade Books (a division of the Music Sales Group)

Down and Dirty Pictures

By: Peter Biskind

Publisher: Simon & Schuster Paperbacks

Screen International, Wall Street Journal

Internet Sites: BoxOfficeMojo.com, Ain’tItCool.com, youtube.com

Course Outline

Week 1 September 5th

INTRODUCTION AND FRAMEWORK

Introduction to course and review of syllabus. Description of assignments.

Producing for the feature film industry

What are the responsibilities of the independent producer?

How does that differ from being a “hired gun” at a studio?

What do credits mean and why are they so important?

The infrastructure of the film business

Studios vs. Independents: The blending of the boundaries

Personal war stories – what can go wrong for an independent producer

Form groups for team assignment

Students are assigned readings about current topics before class and should be prepared for discussion.
**Week 2**  
**September 12th**  
**THE DEVELOPMENT PROCESS**

Identifying ideas for film

The acquisition of underlying material – where to find it and how to get it

Life rights, sequels, English language remakes. The legal necessities

How creative ideas are worked into sellable properties

The feasibility of selling a pitch

**Week 3**  
**September 19th**  
**BUILDING THE FOUNDATION OF A FILM PROJECT**

Attaching a director and actors to a project

Convincing artists to share the risk with financiers

Commerce vs. Art

Using deferrals as a budgetary device

The representation business - agents, managers, lawyers–facilitators or adversaries?

The transactional cost of putting a film together

The difference between above-the-line and below-the-line fees

**Week 4**  
**September 26th**  
**PROJECT FINANCING**

How to put a financial value on your project

Preparing a proper budget, for financing purposes

Sources of financing – Private Equity Investors, hedge funds, state tax incentives, gap financing

Pre-sales (foreign vs. domestic?)

The complexities of bank loans

Completion bonds, insurance (cast, production, E+O), etc.

**Week 5**  
**October 3rd**  
**THE DEAL - SELLING THE FILM BEFORE SHOOTING**

Creating a competitive sales environment

Who negotiates and makes the deal?

Who gets credit for the deal – the press release
Pitching a project to a studio

Production deal versus negative pick-up

Hollywood accounting

Risk vs. Reward

**Week 6**  October 10th  PRODUCTION - ANALYSIS OF THE DANGER ZONES

FACING THE PRODUCER

Putting together a team – delineation of producer duties

The collaboration between producers and the director – who’s the boss

Choosing the proper department heads

Studio shooting versus locations

Union versus non-union crew

Watching the costs – hiring an accountant and payroll service

Post Production - the unpleasantries of completion and delivery

Music and other clearances

Satisfying the completion bonds

Computing deferrals and other obligations

Discussion Of Status And Evaluation Of Team Projects

**Week 7**  October 17th  PRESENTATIONS OF PROJECTS FOR GREENLIGHT

**Week 8**  October 24th  PRESENTATIONS OF PROJECTS FOR GREENLIGHT

**Week 9**  October 31st  GUEST SPEAKER

**Week 10**  November 7th  POSITIONING THE COMPLETED PROJECT FOR SALES TO DISTRIBUTORS

How to set-up a competitive environment for a second time

The use of Producer’s representatives, and film festivals

The anatomy of an acquisition deal

The dangers inherent in the terms and conditions in a film contract
Press agents - The power and financial benefits of free publicity

How critics and publicists can aid or hinder marketing efforts

Test marketing and group research

The uncertainty of tracking

The power of the internet and alternative outreach

The financial risks of awards campaigns

**Week 11**  
November 14th  
TYING IT ALL TOGETHER AND TRYING TO MAKE SENSE OF THE BUSINESS

How new technologies factor into the financing of creative content

New platforms for distribution and marketing

Creating and selling a reality tv series

Overall review of the role of the independent producer as entrepreneur, and look to see what the future holds.

The “old boys club” vs. the “new way” of gaining entrance

What does a Graduate film degree mean?

What does an MBA degree mean in the film business?

Is it possible to run a sustainable and profitable business over a long period of time as a freestanding film producer?

The “survivors and winners”. How did they do it?

**Week 12**  
November 21st  
COURSE RECAP – PREPARING FOR PRESENTATIONS

**Week 13**  
November 28th  
THANKSGIVING BREAK (No Class)

**Week 14**  
December 5th  
EVALUATION OF COMPLETED PROJECTS

Review of team projects. 10 – 12 minute final presentations.

Written FINAL presentations due at end of class.

**Week 15**  
December 12th  
EVALUATION OF COMPLETED PROJECTS

Review of team projects. 10 – 12 minute final presentations.

Written FINAL presentations due at end of class.
These descriptions and timelines are subject to change at the discretion of the Professor.

**Group Projects**

TEAM COURSE ASSIGNMENT - Choose collaborators after first break (4 or 5 to team)

Ultimate issue project must make artistic and commercial sense.

**Weeks 1 and 2**

Find topic for feature film

Acquire story rights

Life rights vs. Public Domain

Sources - newspapers, magazine, or other media

English language remakes of foreign films

Studio remakes and sequels

**Weeks 3 and 4: Development Process –**

Attach Writer

Appropriate for topic?

WGA or not?

Established or new?

Pay schedule?

Availability?

Secure development funding – (The high risk nature of development)

**Weeks 5 and 6:**

1. Attachment of director

Appropriate for topic?

DGA or not?

Established or new?

Pay schedule?
Availability?

Ability to collaborate with producer/writer?

Financiability

II. Attachment of Actors (Hollywood Reporter value rankings)

1. Appropriate for role?

Probability of accepting? (must go one at a time)

Cost?

Financiability?

Availability?

Mid-course status evaluation – Are you ready to be green-lit? If not, modifications and adjustments must be made.

**Weeks 7 and 8:**

I. Budgeting and finance plan / Selling the deal

Equity versus pre-sales

Tax incentives

Crucial contractual deal points

II. Production Issues

Locations

Hiring department heads

Union versus non-union

Tax and other incentives

**Weeks 9 and 10:**

Selling the film

1. Film Festivals

Sales agents

Contracts
Delivery items

II. Positioning the film for theatrical release (or straight to DVD?)

Weeks 14-15:

Final Projects Due

Grading

70% of your grade in this course will be determined by your group assignments; the assignment is an ongoing, cumulative process that culminates with a pitch that covers all aspects of production of a full-length motion picture.

Groups will be comprised of between six and seven self-selected members. Each week, each group will submit an assignment based on recent topics covered in class. During the last class meeting, each group will present their finalized project. Assignment requirements will be discussed at length during each class meeting.

Weekly submission formatting guidelines:

Typed

Two - three pages in length

Double-spaced

12 point Times New Roman Font

One inch margins

Single-sided printing.

Weekly submission procedure & deadline:

ONE member of each group should submit an electronic version of the assignment to Professor Newman and Roger by NOON on Monday.

*late assignments will not be accepted*

I. Assignments WILL BE judged on:

Integrating information discussed in lectures.

Choosing material and attaching elements to create an attractive package.

Coming up with a financial plan that makes sense from a potential profitability standpoint (could be a $100 million budget, could be $50,000 budget)
Employing a sensible approach to a business that doesn’t often make sense.

Ability to collaborate organizationally and identify the strength and weaknesses of team members.

Ability to adjust to curveballs. Responding to problems [from professor] with sound judgment and quick action.

Making a good film – one that was worth the grief and you could be proud of.

II. Assignments WILL NOT be graded and judged on:

Things that would be impossible for anyone who is not deeply experienced and has been in the industry.

Obvious failings by member(s) of your team.

Week 7-8

During weeks 7-8, the work that each team has submitted will be evaluated for “green-lighting”. If you don’t have a green-light after week 8, you’re going to have to go back and reconstitute the project.

Weeks 14-15

Week 14-15 will be fully devoted to 10 – 12 minute oral presentations of finished projects (in conjunction with written papers)

(Questions from professor)

Each team’s final grade will include the professor’s judgment of the commercial and artistic potential of your projects, as well as the overall quality and effort of your weekly work. There will also be a “peer evaluation” component to the grading process.

Stern Policies

General Behavior

The School expects that students will conduct themselves with respect and professionalism toward faculty, students, and others present in class and will follow the rules laid down by the instructor for classroom behavior. Students who fail to do so may be asked to leave the classroom.

Collaboration on Graded Assignments

Students may not work together on graded assignment unless the instructor gives express permission.

Course Evaluations

Course evaluations are important to us and to students who come after you. Please complete them thoughtfully.
Academic Integrity

Integrity is critical to the learning process and to all that we do here at NYU Stern. As members of our community, all students agree to abide by the NYU Stern Student Code of Conduct, which includes a commitment to:

Exercise integrity in all aspects of one’s academic work including, but not limited to, the preparation and completion of exams, papers and all other course requirements by not engaging in any method or means that provides an unfair advantage.

Clearly acknowledge the work and efforts of others when submitting written work as one’s own. Ideas, data, direct quotations (which should be designated with quotation marks), paraphrasing, creative expression, or any other incorporation of the work of others should be fully referenced.

Refrain from behaving in ways that knowingly support, assist, or in any way attempt to enable another person to engage in any violation of the Code of Conduct. Our support also includes reporting any observed violations of this Code of Conduct or other School and University policies that are deemed to adversely affect the NYU Stern community.

The entire Stern Student Code of Conduct applies to all students enrolled in Stern courses and can be found here:

Undergraduate College: http://www.stern.nyu.edu/uc/codeofconduct

Graduate Programs: http://w4.stern.nyu.edu/studentactivities/involved.cfm?doc_id=102505

To help ensure the integrity of our learning community, prose assignments you submit to Blackboard will be submitted to Turnitin. Turnitin will compare your submission to a database of prior submissions to Turnitin, current and archived Web pages, periodicals, journals, and publications. Additionally, your document will become part of the Turnitin database.

Recording of Classes

Your class may be recorded for educational purposes

Students with Disabilities

If you have a qualified disability and will require academic accommodation of any kind during this course, you must notify me at the beginning of the course and provide a letter from the Moses Center for Students with Disabilities (CSD, 998-4980, www.nyu.edu/csd) verifying your registration and outlining the accommodations they recommend. If you will need to take an exam at the CSD, you must submit a completed Exam Accommodations Form to them at least one week prior to the scheduled exam time to be guaranteed accommodation.
Re-Grading

The process of assigning grades is intended to be one of unbiased evaluation. Students are encouraged to respect the integrity and authority of the professor’s grading system and are discouraged from pursuing arbitrary challenges to it.

If you believe an inadvertent error has been made in the grading of an individual assignment or in assessing an overall course grade, a request to have the grade re-evaluated may be submitted. You must submit such requests in writing to me within 7 days of receiving the grade, including a brief written statement of why you believe that an error in grading has been made.